

# TEXAS EDUCATION CODE

## CHAPTER 889

H. B. No. 534

Effective September 1, 1969

An Act adopting the Texas Education Code, a revision of the general and permanent statutes relating to public education, excluding certain laws relating to higher education; expressly repealing the laws replaced by the code; leaving unaffected certain enumerated local and special laws; leaving unaffected certain laws relating to higher education; declaring the effect of conflicting laws passed at the same session; providing for severability; providing a saving clause; providing an effective date; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. The Texas Education Code is adopted to read as follows:

# TEXAS EDUCATION CODE

## TITLE 1. GENERAL PROVISIONS

### Chapter

1. Title, Organization, and Purpose.
2. General Provisions.
3. Teacher Retirement System.
4. Penal Provisions.

[Chapters 5-10 reserved for expansion]

## TITLE 2. PUBLIC SCHOOLS

11. Central Education Agency.
12. Textbooks.
13. Certification of Teachers.
14. Scholastic Census.
15. State Funds for Support of Schools.
16. Foundation School Program.
17. County Administration.
18. The County Unit System and County-Wide Equalization Taxes.
19. Creation, Consolidation, and Abolition of School Districts.
20. School District Funds.
21. Provisions Generally Applicable to School Districts.
22. Common School Districts.
23. Independent School Districts.

**TITLE 2. PUBLIC SCHOOLS—Continued**

**Chapter**

- 24. Municipal School Districts.
- 25. Rural High School Districts.
- 26. Rehabilitation Districts for Handicapped Persons.
- 27. County Industrial Training School Districts.
- 28. Countywide Vocational Districts.

[Chapters 29–50 reserved for expansion]

**TITLE 3. HIGHER EDUCATION**

**SUBTITLE A. JUNIOR COLLEGES**

- 51. Public Junior Colleges.

**TEXAS EDUCATION CODE**

**TITLE 1. GENERAL PROVISIONS**

**CHAPTER 1. TITLE, ORGANIZATION, AND PURPOSE**

**Section**

- 1.01. Short Title.
- 1.02. Organization.
- 1.03. Purpose and Objectives.
- 1.04. Applicability.

**Section 1.01. Short Title**

This code shall be known and may be cited as the “Texas Education Code.”

**§ 1.02. Organization**

(a) The division of this code into titles, subtitles, chapters, subchapters, sections, subsections and subdivisions, and the use of captions in connection therewith, are solely for convenience and shall have no legal effect in construing the provisions of the code.

(b) This code has been organized and subdivided in the following manner:

(1) the code is divided into titles, containing groups of related chapters;

(2) the code is also divided into chapters, which are numbered consecutively throughout the code;

(3) chapters are divided into sections, each of which carries the initial arabic numeral of the chapter in which it is found, and the arrangement of sections within chapters is determined by the numbers following the decimal;

(4) sections are divided into subsections, and the subsections are numbered consecutively with lowercase letters enclosed in parentheses;

(5) subsections are divided into subdivisions, and subdivisions are numbered consecutively with arabic numerals enclosed in parentheses;

(6) subdivisions are divided into paragraphs, and paragraphs are numbered consecutively with capital letters enclosed in parentheses; and

(7) paragraphs are divided into subparagraphs, and subparagraphs are numbered consecutively with lowercase Roman numerals enclosed in parentheses.

#### **§ 1.03. Purpose and Objectives**

The aim in adopting this code is to bring together in a unified and organized form the existing law relating to tax-supported educational institutions and to simplify, clarify, and harmonize existing law relating both to the public school system and to the state-supported institutions of higher education.

#### **§ 1.04. Applicability**

(a) This code shall apply to all educational institutions supported either wholly or in part by state tax funds unless specifically excluded.

(b) This code shall not apply to those eleemosynary institutions under the control and direction of the Department of Mental Health and Mental Retardation or to the institutions and activities of the Texas Youth Council.

## **CHAPTER 2. GENERAL PROVISIONS**

### **Section**

2.01. Public Education in General.

2.02. The Flying of the State Flag.

2.03. Dedication to the People of Texas.

2.04. Protection of Land in Use by Schools.

2.05. Motor Vehicles Owned and Used by State-Supported Educational Institutions.

2.06. Oath of Office and Allegiance.

2.07. Assignment, Transfer, or Pledge of Compensation.

2.08. Forfeiture of Position.

2.09. Vaccination.

2.10. Maintenance of Existing Institutions.

### **Section 2.01. Public Education in General**

The objective of state support and maintenance of a system of public education is education for citizenship and is grounded upon conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of citizens.

#### **§ 2.02. The Flying of the State Flag**

On all regular school days, every school and other educational institution covered by this code shall fly the Texas flag in accordance with the general rules governing its use.

#### **§ 2.03. Dedication to the People of Texas**

The educational institutions covered by this code are designed for and are open to the people of the State of Texas, subject only to such rules and regulations as the governing boards of such institutions may be au-

## § 2.03

thorized in this code to make and enforce for the welfare of the various institutions under their control.

## § 2.04. Protection of Land in Use by Schools

No public road shall be opened across land owned and used by any school district or other educational institution covered by this code without the consent of the regents, directors, or trustees of that institution and approval of the governor, unless the land is subject to sale under the general laws of Texas. The roads already opened across such land may be closed by the authorities in charge whenever they deem it necessary to protect the interest of the institution and on repayment with eight percent interest of the amount actually paid out as appears on the records of the commissioners court, by the situs county for the land's condemnation.

## § 2.05. Motor Vehicles Owned and Used by State-Supported Educational Institutions

(a) Motor vehicles, trailers, and semitrailers which are the property of and used exclusively by any school district, institution of higher education, or agency in charge, or branch are exempt from the payment of state registration fee. Nevertheless, the owners of such vehicles must comply with the general statutes relating to motor vehicle registration.

(b) Application for license plates, identification of vehicles and transfer of ownership are governed by the general statutes relating to motor vehicles and such special provisions of those statutes that relate to the particular type of vehicle concerned.

## § 2.06. Oath of Office and Allegiance

(a) No public funds shall be paid to any person as a teacher, instructor, visiting instructor, or other employee connected with any tax-supported educational institution in Texas unless he takes the oath of office required of members of the legislature and all other state officers, as provided in Article XVI, Section 1, of the Texas Constitution.

(b) Foreign visiting instructors, refugees, and political refugees from conquered countries are exempted from the requirements in Subsection (a) of this section if they file an affidavit, on a form prescribed by the attorney general of Texas, stating, among other things, that they are not members of the Communist, Fascist, or Nazi parties, nor of any bund, or affiliated organization, and that they will not engage in any un-American activities, nor teach any doctrines contrary to the constitution and laws of the United States of America or of the State of Texas.

(c) Any teacher or instructor of any tax-supported educational institution in Texas who shall be found guilty of openly advocating doctrines which seek to undermine or overthrow by force or violence the republican and democratic forms of government in the United States or which in any way seek to establish a government that does not rest upon the fundamental principle of consent of the governed, shall after a full adjudicative hearing by his employing or appointing authority be dismissed.

## § 2.07. Assignment, Transfer, or Pledge of Compensation

(a) The terms "teacher" and "school employee" used in this section include:

(1) any person employed by any public school district, in an executive, administrative, or clerical capacity, or as a superintendent, principal, teacher, or instructor; and



(2) any person employed by a university, college, or other educational institution in an executive, administrative, or clerical capacity, or as a professor, instructor, or in any similar capacity.

(b) Any teacher's or school employee's assignment, pledge, or transfer of his salary or wages as security for indebtedness—or any interest or part of his salary or wages—then due or which may become due under an existing contract of employment shall be enforceable only under the following conditions:

(1) Before or at the time of execution, delivery, or acceptance of an assignment, pledge, or transfer, written approval must be obtained from the employing authority or officer, and if the teacher or school employee executing the instrument is employed by:

(A) a common school district, approval of his assignment, pledge, or transfer must be obtained from either the secretary or chairman of the district board of trustees and also from the county superintendent of the county in which the district is located;

(B) an independent school district, approval of his assignment, pledge, or transfer must be obtained either from the president or secretary of the board of trustees or from the superintendent or business manager of the independent school district; and

(C) a college, university, or any other educational institution, approval of his assignment, pledge, or transfer must be obtained from the salary disbursement officer of the college, university, or other educational institution;

(2) Any assignment, pledge, or transfer must be in writing and acknowledged as required for the acknowledgment of deeds or other recorded instruments, and if executed by a married person, it must also be executed and acknowledged in a like manner by his or her spouse; however, the employer approving an assignment, pledge, or transfer need not acknowledge it; and

(3) An assignment, pledge, or transfer shall be enforceable only to the extent that the indebtedness it secures is a valid and enforceable obligation.

(c) Any school district, college, university, or other educational institution, or county superintendent—or disbursing agent—shall honor an assignment, pledge, or transfer fulfilling the conditions of Subsection (b) of this section without incurring any liability to the teacher or school employee executing the assignment, pledge, or transfer. Payment to any assignee, pledgee, or transferee in accordance with the terms of the instrument shall constitute payment to or for the account of the assignor, pledgor, or transferor. However, an assignment, pledge, or transfer shall be enforceable only to the extent of salary due or which may become due during continuation of the assignor's employment as a teacher or school employee.

(d) Venue for any suit against the employer of a teacher or school employee to enforce an assignment, pledge, or transfer of salary shall be in the county where the employing school or educational institution is located.

#### § 2.08. Forfeiture of Position

During the term of his employment, a trustee or teacher in any public school or institution of higher learning in Texas, county or city superin-

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tendent, university president, or college president shall not act as agent or attorney for any textbook publishing company selling textbooks in Texas. Acceptance of the agency or attorneyship shall by operation of law forfeit his position with the public schools.

**§ 2.09. Vaccination**

No form of vaccination or inoculation is required for a person's admission to any public school or state-supported institution of higher education when the person applying for admission submits, to the admitting official, an affidavit signed by a doctor who is duly registered and licensed under the Medical Practice Act of Texas<sup>1</sup> in which it is stated that, in the doctor's opinion, the vaccination or inoculation required would be injurious to the health and well-being of the applicant.

<sup>1</sup> Vernon's Ann.P.C. art. 739 et seq.

**§ 2.10. Maintenance of Existing Institutions**

No law establishing or providing for the maintenance of any public educational institution shall be affected or impaired by the repealing clause of this code unless expressly altered or repealed in some preceding or subsequent section herein.

**CHAPTER 3. TEACHER RETIREMENT SYSTEM**

**Section**

**3.01. Applicable Statutes.**

**§ 3.01. Applicable statutes**

The Teacher Retirement System of Texas is governed by the provisions of H. B. No. 241, Acts of the 61st Texas Legislature, 1969.<sup>1</sup>

1. Chapter 41, p. 109.

## CHAPTER 4. PENAL PROVISIONS

### Section

- 4.01. Violation of Duty as School Census Trustee.
- 4.02. Interference with Operation of Foundation School Program.
- 4.03. Failure to Comply with Budget Requirements.
- 4.04. Violation by Treasurer or Depository.
- 4.05. Improper Payment of Salaries.<sup>1</sup>
- 4.07. Unlawful Inquiry Into Religious Affiliation of Applicants for Positions.
- 4.08. Unlawful Inquiry Into Religious Affiliation.
- 4.09. Failure to Transfer Pupils and Funds.
- 4.10. Alteration of Teacher's Certificate.
- 4.11. Approving Voucher Without Certificate.
- 4.12. Traffic in Certificate Examinations.
- 4.13. Preventing Use of Adopted Textbooks.
- 4.14. Accepting Rebate on Textbooks.
- 4.15. Failure to Teach Texas History.
- 4.16. Failure to Teach Patriotism.
- 4.17. Failure to Use the English Language.
- 4.18. Operation of School Buses.
- 4.19. Hazing.
- 4.20. Fraternities, Sororities, Secret Societies.
- 4.21. Soliciting Pupils to Join Secret Societies.
- 4.22. Taking Intoxicants to Athletic Events.
- 4.23. Loitering on School Property.
- 4.24. Violation of Free Textbook Law.
- 4.25. Thwarting Compulsory Attendance Law.
- 4.26. Refusal to Answer Census Trustee.
- 4.27. Unlawful Campaign Contributions.
- 4.28. Interference with the Peaceful Operation of the Public Schools.

1. So in enrolled bill.

### Section 4.01. Violation of Duty as School Census Trustee

Any census trustee who shall wilfully fail or refuse to obtain the necessary information in regard to any child who should be included in the scholastic census on the first day of next September thereafter or who shall wilfully fail or refuse to include any child within the scholastic ages in his rolls or shall wilfully make any false report in his rolls or summaries shall be guilty of a felony and, upon conviction, shall be punished by confinement in the state penitentiary for not less than two nor more than five years. If the county superintendent finds or believes that any census trustee has violated any duty required of him under Chapter 14 of this code,<sup>1</sup> such county superintendent shall report said census trustee to the grand jury of the county at its next session after discovering such breach of duty.

1. Section 14.01 et seq.

### § 4.02. Interference With Operation of Foundation School Program

(a) Any person who shall confiscate, misappropriate, or convert money appropriated to the Foundation School Fund to carry out the purposes of

that program as set out in Chapter 16 of this code<sup>1</sup> after such money is received by the school district or board of county school trustees in accordance with the terms of Chapter 16, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary for not less than one year nor more than five years.

(b) Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record, form, report, or budget required under the provisions of Chapter 16 of this code, or the rules of the state officials charged with the enforcement of the Foundation School Program, in any attempt to defraud the state or its school system as a result of such act, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary for not less than one year nor more than five years. Such proceedings shall be instituted by the proper district or county attorney in accordance with Article 339, Revised Civil Statutes, 1925, or any other law appertaining thereto.

(c) Should any change or error in the records, forms, reports, or budgets result in any school district receiving from the Foundation School Fund more or less than it would have been entitled to receive had said records been correct, the commissioner of education shall correct such error, and so far as practicable shall adjust the payment in such a manner that the amount to which such district was correctly eligible shall be paid.

(d) Any person, including any county superintendent or ex officio county superintendent, school bus driver, school trustee, or any district superintendent, principal or other administrative personnel, or teacher of a school district, or its treasurer or proper disbursing officer, who violates any of the provisions of Chapter 16 of this code other than those to which subsections (a) and (b) of this section apply, shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1000. Proceedings shall be instituted by the proper district or county attorney upon receipt of information from the state commissioner of education.

(e) If any person shall knowingly submit incorrect information to the Central Education Agency in any report required by Chapter 16 of this code or by the rules of the agency or by the commissioner of education for the honest administration of the Foundation School Program, such offenses shall constitute a felony, and any person upon conviction shall be punished by confinement in the state penitentiary for not less than two nor more than five years.

1. Section 16.01 et seq.

#### § 4.03. Failure to Comply With Budget Requirements

(a) Whoever fails to comply with the duties assigned him with regard to the preparation or the following of a county school budget or who violates any provision of Section 17.56 of this code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(b) Any county superintendent approving any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100.

(c) Whoever fails to comply with the duties assigned him with regard to the preparation or the following of a budget of an independent school district or who violates any provision of Section 23.42 of this code shall

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be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(d) Each and any trustee of an independent school district who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(e) Charges of the violation of this section may be instituted by the proper county or district attorney or by the attorney general.

**§ 4.04. Violations by Treasurer or Depository**

(a) If any person who is by law a treasurer of any school district in this state, or if any officer, director, stockholder, agent, or employee of any corporation that is by law the treasurer or depository of any school district in this state shall fraudulently take, misapply, or convert to his own use any money, property, or other thing of value belonging to such district that may have come into his possession by virtue of his being treasurer of such district or that may have come into his possession by virtue of the corporation of which he is officer, director, stockholder, agent, or employee being the treasurer or depository of such district, or shall secrete the same with intent to take, misapply, or convert it to his own use or shall pay or deliver the same to any person knowing that he is not entitled to receive it, he shall be guilty of a felony and upon conviction shall be confined in the state penitentiary not less than 2 nor more than 10 years.

(b) Any county or city treasurer or treasurer of the school board of each city or town having exclusive control of its schools who fails to make and transmit any report and certified copy thereof, or either, required by law, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500.

**§ 4.05. Improper Payment of Salaries**

Any employee of the state or of any district, county, city, town, or school, who may be responsible for the payment of the salary of any county judge acting as ex officio county superintendent of public schools, or of any county, district, or town superintendent or principal, or other school officer, or any teacher, librarian, assessor, county treasurer, treasurer of county school depository, or treasurer of school district depository, after notice by the commissioner of education that the person has failed to comply with the provisions of Sec. 21.254 of this code shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500.

**§ 4.07. Unlawful Inquiry Into Religious Affiliation of Applicants for Positions**

(a) No board of education, trustee of a school district, superintendent, principal, or teacher of a public school, or other official or employee of a board of education shall directly or indirectly ask, indicate, or transmit orally or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools of the State of Texas, except to inquire of the applicant whether or not he or she believes in the existence of a Supreme Being.

(b) No department, agency, or commission or any agent or employee of the state shall have the right to inquire, request, or in any manner di-

rectly or indirectly indicate, require, or request the religious affiliation of any applicant for any position in the public education system of this state.

(c) Any person who shall violate any provision of this section, or who shall aid or incite the violation of any provision of this section, shall for each and every violation thereof be liable to a penalty of not less than \$100 nor more than \$500, to be recovered by the person aggrieved thereby or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside; and such person shall also for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 nor more than \$500 or shall be imprisoned not less than 30 days nor more than 90 days, or both.

#### § 4.08. Unlawful Inquiry Into Religious Affiliation

(a) No person or organization employed or maintained to obtain or aid in obtaining positions for public school employees shall directly or indirectly ask or communicate orally or in writing, the religion or religious affiliation of anyone applying for employment in the public schools of this state, except to inquire whether or not he believes in the existence of a Supreme Being.

(b) Violation of Section (a) above shall subject the violator for each offense to:

(1) a civil penalty of not less than \$100 nor more than \$500, recoverable by the aggrieved applicant or his assignee in any court of competent jurisdiction located in the county of plaintiff's or defendant's residence; and

(2) a criminal punishment, of misdemeanor status, consisting of a fine of not less than \$100 nor more than \$500 or a jail term of not less than 30 days nor more than 90 days, or both.

#### § 4.09. Failure to Transfer Pupils and Funds

Any county judge serving as ex officio county superintendent or any county superintendent, district, city or town superintendent or any school officer, who refuses to transfer pupils and funds as provided in Subchapter C of Chapter 21 of this code<sup>1</sup> shall be fined not less than \$50 nor more than \$500 or be confined in jail not more than 60 days, or both.

1. Section 21.061 et seq.

#### § 4.10. Alteration of Teacher's Certificate

Whoever shall wilfully raise, change, or alter any teacher's certificate or diploma, or other instrument having the force of a teacher's certificate, shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary not less than two nor more than seven years.

#### § 4.11. Approving Voucher Without Certificate

Any county or city superintendent or school trustee who approves any teacher's contract or voucher before the person has presented a valid teacher's certificate shall be fined not less than \$25 nor more than \$100.

#### § 4.12. Traffic in Certificate Examinations

Whoever shall sell, barter, or give away, prior to any forthcoming examination, to applicants for teachers' certificates, or to any person, the questions to be used by any board of examiners in the examination of

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teachers at any forthcoming examination; or any person who shall accept or otherwise obtain possession of such questions, or the answers thereto, prior to any such examination; or whoever shall use the same fraudulently at the time of said examination, or thereafter; or who shall permit or aid in the substitution of examination papers fraudulently prepared to be substituted for examination papers prepared during the examination; or who accepts remuneration for the granting of certificates or for aiding others to obtain certificates, except as provided for by law, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500 and imprisoned in jail for not less than 20 days nor more than 60 days.

## § 4.13. Preventing Use of Adopted Textbooks

Any school trustee who shall prevent or aid in preventing the use in any public school in this state of the books or any of them as adopted under the provisions of Chapter 12 of this code,<sup>1</sup> or any teacher in any public school in this state who shall wilfully fail or refuse to use the books adopted shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than \$5 and not more than \$50 for each offense, and each day of such wilful failure or refusal by a teacher or wilful prevention of the use of the books by a trustee shall constitute a separate offense.

1. Section 12.01 et seq.

## § 4.14. Accepting Rebate on Textbooks

Any school trustee or teacher who shall ever receive any commission or rebate on any books used in the schools with which he is concerned as trustee or teacher shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 and not more than \$100.

## § 4.15. Failure to Teach Texas History

The history of Texas shall be taught in all public schools in and only in the history course of all such schools. The said course shall be not less than two hours in any one week. The commissioner of education shall notify the various county and city superintendents as to how said course shall be divided, and any city or county superintendent who fails or refuses to follow the provisions of this section shall be fined not less than \$25 nor more than \$200.

## § 4.16. Failure to Teach Patriotism

Any official or employee of the public free schools of this state who fails to perform his legal duty in connection with the requirement that the daily program of every public school shall be so formulated as to include at least 10 minutes for the teaching of intelligent patriotism, including the needs of the state and federal governments, the duty of the citizen to the state and the obligation of the state to the citizen, shall be subject to a fine of not more than \$500 or removal from office or both fine and removal from office.

## § 4.17. Failure to Use the English Language

Any teacher, principal, superintendent, trustee, or other school official having responsibility in the conduct of the work of any public school of this state who fails to comply with the provisions of Section 21.109 of this code with respect to the use of the English language in the schools



shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than \$25 nor more than \$100, cancellation of certificate, or removal from office, or both such fine and cancellation or fine and removal from office.

#### § 4.18. Operation of School Buses

(a) All vehicles used for the transportation of pupils to and/or from any school or college shall have a sign on the front and rear and on each side of the vehicle, showing the words "School Bus" and such words shall be plainly readable in letters not less than eight inches in height. It shall be the duty of the operator of any school bus to see that the signs are displayed, but if a school bus is being operated on a highway for any purpose other than the transportation of pupils, the markings indicating "School Bus" shall be covered or concealed.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor unless such violation is by other law of this state declared to be a felony. Every person convicted of a misdemeanor for violation of this section shall be fined not less than \$1 nor more than \$200 or confined in the county jail not to exceed 90 days or both; provided, however, that if death results to any person, caused either actually or remotely by a noncompliance or violation of this section, then and in that event, the party or parties so offending shall be punished as is now provided by law.

#### § 4.19. Hazing

(a) No student of the University of Texas, or Texas A & M University, or any state school of Texas, or any other state-supported institution of higher education, shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(b) "Hazing" is defined as follows:

(1) any wilful act by one student alone or acting with others, directed against any other student of such educational institution, done for the purpose of submitting the student made the subject of the attack committed, to indignity or humiliation, without his consent;

(2) any wilful act of any one student alone, or acting with others, directed against any other student of such educational institution, done for the purpose of intimidating the student attacked by threatening such student with social or other ostracism, or of submitting such student to ignominy, shame, or disgrace among<sup>1</sup> his fellow students, and acts calculated to produce such results;

(3) any wilful act of any one student alone, or acting with others, directed against any other student of such education institution, done for the purpose of humbling, or that is reasonably calculated to humble the pride, stifle the ambition, or blight the courage of the student attacked, or to discourage any such student from longer remaining in such educational institution or reasonably to cause him to leave the institution rather than submit to such acts; or

(4) any wilful act by any one student alone, or acting with others, in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any

such students made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(c) No teacher, instructor, member of any faculty, or any officer or director, or a member of any governing board of any state-supported educational institution shall knowingly permit, encourage, aid, or assist any student in committing the offense of hazing, or wilfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in the institution in which he may be serving to the executive head or governing board of such institution. Any act of omission or commission shall be deemed "hazing" under the provisions of this section.

(d) Any student of any state-supported educational institution of this state who shall commit the offense of hazing shall be fined not less than \$25 nor more than \$250 or shall be confined in jail not less than 10 days nor more than three months, or both.

(e) Any teacher, instructor, or member of any faculty, or officer or director of any state-supported educational institution who shall commit the offense of hazing shall be fined not less than \$50 or not more than \$500 or shall be imprisoned in jail not less than 30 days or not more than six months, or both, and in addition thereto shall be immediately discharged and removed from his then position or office in the institution, and shall thereafter be ineligible to reinstatement or reemployment as teacher, instructor, member of faculty, officer, or director in any state-supported educational institution for a period of three years.

<sup>1</sup> So in enrolled bill.

#### § 4.20. Fraternities, Sororities, Secret Societies

(a) In all counties of this state, public school fraternities, sororities, and secret societies are prohibited in all the public schools of this state supported in whole or in part from public funds, which schools are below the rank or grade of colleges, and including within said provisions all high schools and junior high schools and all public schools of lower grades.

(b) A public school fraternity, sorority, or secret society as used in this section is hereby defined to be any organization composed wholly or in part of pupils of public schools below the rank of college or junior college as herein provided, which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis of the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the special aims of the organization.

(c) Any public school fraternity, sorority, or secret society as defined in this section is hereby declared to be an organization inimical to the public good.

(d) It shall be the duty of school directors, boards of education, school instructors, and other corporate authority managing and controlling any of the public schools of this state within the provisions of this section to suspend or expel from the school under their control any pupil of such school who shall be or remain a member of, or who shall join or promise to join, or who shall become pledged to become a member of, or who shall solicit any other person to join, promise to join, or be pledged to become a member of any such public school fraternity, or sorority, or secret society. The above restrictions shall not be construed to apply to agencies

for public welfare, viz.: Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, and other kindred educational organizations sponsored by the state or national education authorities.

(e) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$200 for each offense.

(f) The provisions of this section shall not apply to any universities, colleges, or schools organized for higher education beyond the high school and junior high school level, but the same shall apply to high schools, junior high schools, and all schools of lower grades.

#### § 4.21. Soliciting Pupils to Join Secret Societies

(a) It shall be unlawful for any person not enrolled in a public school to solicit any student enrolled in any public school to join or pledge any public school fraternity, sorority, or secret society, or to solicit any such student to attend a meeting thereof, or any meeting where membership therein is encouraged.

(b) A public school fraternity, sorority, or secret society is any organization composed wholly or partially of students of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the student body of the school on the basis of its members' decision rather than on the free choice of any student qualified by the rules of the school to fulfill the special aims of the organization. This definition, however, does not apply to agencies organized for the public welfare including the Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or any other kindred education organization sponsored by state or national education authorities.

(c) Universities, colleges, or other schools organized for education beyond the high school level are exempted from all provisions of this section.

(d) Any person convicted of violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction for each offense shall be fined not less than \$25 nor more than \$200.

#### § 4.22. Taking Intoxicants to Athletic Events

(a) The possession of any intoxicating beverage while entering or inside any enclosure, field, or stadium where athletic events sponsored or participated in by the public schools of this state are being held is unlawful.

(b) If any officer of this state sees any person violating this section, he shall immediately seize the intoxicating beverage and within a reasonable time deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor and then dispose of same.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$200.

#### § 4.23. Loitering on School Property

Any person loitering or loafing upon the grounds of any public school in session after being warned to leave by the person in charge of the school shall be fined not less than \$5 nor more than \$25.

§ 4.24

§ 4.24. Violation of Free Textbook Law

Any person convicted of wilfully violating any law providing for the purchase and distribution of free textbooks for the public schools shall be fined not less than \$5 nor more than \$100.

§ 4.25. Thwarting Compulsory Attendance Law

(a) If any parent or person standing in parental relation to a child, within the compulsory school attendance ages and not lawfully exempt or properly excused from school attendance, fails to require such child to attend school for such periods as required by law, it shall be the duty of the proper attendance officer to warn the parent or person standing in parental relation that attendance must be immediately required. If after this warning the parent or person standing in parental relation fails to comply, the attendance officer shall file a complaint against him in the county court, or in the justice court of his resident precinct. Any parent or person standing in parental relation convicted of violating this section shall be fined \$5 for the first offense, \$10 for the second offense, and \$25 for each subsequent offense. Each day the child remains out of school after the warning has been given or the child ordered to school by the juvenile court may constitute a separate offense.

(b) If any parent or person standing in parental relation can prove that he is unable to compel his child to attend school, he shall be exempt from the penalties provided in this section and his child may be proceeded against as a habitual truant and committed to a state juvenile training school or any other suitable school agreed upon between his parent or person standing in parental relation and the judge of the juvenile court.

§ 4.26. Refusal to Answer Census Trustee

Any person who is in a position of control over a child who will be over six but under 17 years of age on the next September 1 and who, although requested by the census trustee, refuses to comply with the requirements in Section 14.03 of this code shall be fined not less than \$5 nor more than \$10.

§ 4.27. Unlawful Campaign Contributions

(a) It shall be unlawful for any person, group of persons, organization, or corporation engaged in manufacturing, shipping, selling, storing, or advertising textbooks or in any other manner connected with the textbook business to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education.

(b) It shall be unlawful for anyone interested in selling bonds of any type whatsoever to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education.

(c) Any person convicted of violating any provision of this section shall be fined not less than \$500 nor more than \$1,000 or sentenced to serve a jail term of not less than 90 days nor more than 180 days, or both.

§ 4.28. Interference With the Peaceful Operation of the Public Schools

(a) In order to maintain law, peace, and order in the operation of the public schools without the use of military force, the county judge of each county in this state is authorized to require any organization, operating

or functioning within the county and engaged in activities designed to hinder, harass, or interfere with the powers and duties of the State of Texas in controlling and operating its public schools to file with the county clerk, within seven days after such request is made, the following information, subscribed under oath before a notary public:

- (1) the official name of the organization and list of members;
- (2) the office, place of business, headquarters, or usual meeting place of the organization;
- (3) the officers, agents, servants, employees, or representatives of the organization;
- (4) the purpose or purposes of the organization; and
- (5) a statement disclosing whether the organization is subordinate to a parent organization and, if so, the name of the parent organization.

(b) The term "organization" as used in this section means any group of persons, whether incorporated or unincorporated, and includes any civic, fraternal, political, mutual benefit, legal, medical, trade, or other kind of organization.

(c) The information filed pursuant to Subsection (a) of this section is hereby declared public and subject to the inspection of any interested party.

(d) Any person having custody or control of the records of an organization who fails to furnish the information requested or any other person or organization who shall violate any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$200, and each day of violation shall constitute a separate offense.

## CHAPTER 11. CENTRAL EDUCATION AGENCY

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**SUBCHAPTER A. GENERAL PROVISIONS**

**Section 11.01. Composition and Purpose**

The State Board of Education, the State Board for Vocational Education, the state commissioner of education, and the State Department of Education shall comprise the Central Education Agency. It shall carry out such educational functions as may be assigned to it by the legisla-

ture, but all educational functions not specifically delegated to the Central Education Agency shall be performed by county boards of education or district boards of trustees.

#### § 11.02. General Powers and Duties

(a) The Central Education Agency shall exercise general control of the system of public education at the state level in accordance with the provisions of this code.

(b) Any activity with persons under 21 years of age which is carried on in the state by other state or federal agencies, except higher education in approved colleges, shall be subject in its education aspects to the rules and regulations of the Central Education Agency.

(c) Except for agreements entered into by the governing board of a state university or college, the Central Education Agency shall be the sole agency of the State of Texas empowered to enter into agreements with respect to education undertakings, including provision of school lunches and the construction of school buildings, with an agency of the federal government. No county board of education or board of trustees of a school district shall enter into contracts with, or accept money from, an agency of the federal government except under rules and regulations prescribed by the Central Education Agency.

#### § 11.03. Supervision of the Texas School for the Deaf

The Central Education Agency shall have exclusive jurisdiction and control over the Texas School for the Deaf, and it shall be the duty of the commissioner of education to appoint a superintendent for that school, subject to approval by the State Board of Education. Such jurisdiction shall extend but not be limited to the physical assets of the school, and appropriations made for its benefit shall be administered and expended by the agency.

#### § 11.04. Superintendent of the Texas School for the Deaf

(a) The superintendent of the Texas School for the Deaf shall be a graduate of an accredited university or college, shall have a minimum of one school year of full-time classroom teaching, shall have at least a total of five years' experience in educating the deaf with at least two of those years acquired in some supervisory capacity in training the deaf, and shall have special training in the education of the deaf in a duly certified school granting such special training.

(b) The superintendent shall reside at the school and shall devote his time exclusively to the duties of his office.

(c) The superintendent may be removed from office by the State Board of Education on recommendation of the commissioner of education for the commission of any felony or any other offense involving moral turpitude, or for failure to carry out the duties of his office.

#### § 11.05. Printing at the Texas School for the Deaf

(a) The art of printing, in all its branches, shall be among the subjects of study offered at the Texas School for the Deaf.

(b) A competent, practical printer shall be employed as instructor.

(c) Any public printing for the state may be performed at the Texas School for the Deaf without regard to any contract with an individual, firm, or corporation for public printing.

**§ 11.06. Supervision of the Texas School for the Blind**

The Central Education Agency shall have exclusive jurisdiction and control over the Texas School for the Blind. It shall be the duty of the commissioner of education to appoint a superintendent for that school, subject to approval by the State Board of Education. Such jurisdiction shall extend but not be limited to the physical assets of said school, and appropriations made for its benefit shall be administered and expended by the agency.

**§ 11.07. Superintendent of the Texas School for the Blind**

(a) The superintendent of the Texas School for the Blind shall be a graduate of an accredited university or college and shall have a minimum of four years of educational administrative experience, at least two years of which shall have been in the education or supervisory training of the blind.

(b) The superintendent shall reside at the school and shall devote his time exclusively to the duties of his office.

(c) The superintendent may be removed from office by the State Board of Education on recommendation of the commissioner of education for the commission of any felony or any other offense involving moral turpitude, or for failure to carry out the duties of his office.

**§ 11.08. Skilled Oculist for the Texas School for the Blind**

A skilled oculist shall be employed to examine regularly all students at the Texas School for the Blind and to administer treatment to all cases of curable blindness among such students.

**§ 11.09. Preschool Program for Children With Hearing Loss**

(a) The Central Education Agency shall develop a special program for preschool children who have a hearing loss sufficiently severe to prevent adequate progress in speech development.

(b) The purpose of the program shall be to prepare such children for entry in the first grade of the Texas School for the Deaf or the Texas public schools by providing them with a command of some form of communication with others.

(c) Any child three years of age or older on his last birthday, who has a hearing loss sufficiently severe to prevent adequate speech development, shall be eligible for such a program.

(d) The Central Education Agency shall establish the academic requirements for teachers who teach in this program and shall issue certificates to teachers who meet such standards.

(e) The cost of operating this special program shall be borne by the state and each participating district on the same percentage basis applicable to financing the Foundation School Program within the district. The cost of the program shall include a salary—not to exceed the prevailing local salary scale—as well as a maintenance and operational allotment of \$50 per month for each teacher. The state's share of the cost will be paid from the foundation school program fund and shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes.

**§ 11.10. Countywide Special Day Schools for the Deaf**

(a) The Central Education Agency is authorized to approve the establishment and operation of countywide special day schools for the deaf in



all counties having a population of 300,000 or more inhabitants, according to the last preceding federal census. Such schools shall be administered by a centrally located school district designated by the Central Education Agency in each such county, and the school districts accepting the designation shall provide appropriate physical facilities, buildings, equipment, supplies, materials, and transportation to all eligible children residing in the county without regard to school district boundaries.

(b) The provisions in this section may apply to any two contiguous counties whose cumulative population exceeds 300,000 but does not exceed 335,000 inhabitants, according to the last preceding federal census, provided that such bi-county day schools shall be administered by one school district designated by the Central Education Agency.

(c) School districts in counties contiguous to those authorized to operate a bi-county day school for the deaf may participate in the day school for the deaf program upon approval by the Central Education Agency of requests from a school district in a county contiguous to those counties authorized to operate the bi-county day school and the school district designated to conduct the school. Participation of school districts in counties contiguous to those authorized to operate the bi-county day school for the deaf shall be on the same basis as for school districts within the counties authorized to operate the school.

(d) All deaf children between the scholastic ages of 6 and 21, inclusive, residing in the county providing a day school program herein authorized for such scholastics, shall be eligible to attend the school designated by the operating district.

(e) Deaf children between the scholastic ages of 6 and 13, inclusive, in such counties (heretofore eligible for admission in the Texas School for the Deaf) shall not be eligible for admission to the Texas School for the Deaf except upon recommendation of the superintendent of the operating district with the concurrence of the superintendent of the Texas School for the Deaf.

(f) Students between the scholastic ages of 6 and 13, inclusive, enrolled in the Texas School for the Deaf prior to August 28, 1961, from counties herein authorized to provide and which do provide countywide day schools shall have the option of continuing their program at Texas School for the Deaf or returning to their homes to attend the designated day schools authorized by this code.

(g) Children enrolled in the countywide day schools in such counties, who become 14 years of age on or before December 31, shall be eligible for admission to the Texas School for the Deaf or to continue their academic training and program of vocational planning, guidance, and training in the special day school.

(h) Total cost of operating countywide day schools authorized by this section shall be borne entirely by the state and shall be paid from the foundation school program fund. Such costs shall be considered and included by the Foundation School Fund Budget Committee in estimating the funds needed for purposes of the Foundation School Program and such countywide day school program. No part of the operating costs herein provided for shall be charged to any of the school districts of this state.

(i) Operating costs for the program in each county shall be determined and paid on the basis of the following factors:

(1) one teacher unit shall be allocated for every eight eligible deaf pupils or major fraction of eight;

- (2) schools with 15 or more teacher units shall be allocated a full-time principal unit;
  - (3) one supervisor shall be allocated for every 10 teacher units but not to exceed three supervisors; provided, however, that each approved school shall have at least one supervisor;
  - (4) salaries of the teacher, supervisor, and principal shall be determined, respectively, in accordance with the official salary schedule of the district where the day school is established;
  - (5) an operation expense allotment, including transportation, of \$500 per each eligible deaf pupil enrolled in the program each current school year; and
  - (6) one initial allotment in the amount of \$2,000 per each teacher unit approved for the first year of operation only shall be allowed for the acquisition of transportation vehicles, auditory and other classroom equipment, and other aids and adjustments needed for training the deaf pupils in this program.
- (j) No state funds provided for in Subsection (i) of this section shall be used for any other purpose than for the countywide special day schools for the deaf program herein referred to.
- (k) The Central Education Agency shall approve the educational program for the countywide day schools, and the program shall be comparable to that of the Texas School for the Deaf.

**§ 11.11. Program for Non-English Speaking Children**

- (a) The Central Education Agency shall develop a special program for non-English speaking children.
- (b) The purpose of the program shall be to prepare such children for entry in the first grade of the Texas public schools by providing them with a command of essential English words which will afford them a better opportunity to complete successfully the work assigned them.
- (c) The program for non-English speaking children shall cover a period of three months.
- (d) Any non-English speaking child who is at least five years of age and who will be eligible to enter the first grade in the ensuing school year may be enrolled.
- (e) The Central Education Agency shall establish the academic requirements for teachers who teach in this program and issue certificates to those who meet such standards.
- (f) The cost of operating this program shall be borne by the state and each participating district on the same percentage basis applicable to financing the Foundation School Program within the district. The state's share of the cost of the program shall include a salary—not to exceed \$200 per month—as well as a maintenance and operational allotment of \$50 per month for each teacher. The state's share of the cost shall be paid from the foundation school program fund, and shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes.
- (g) This program shall not be set up in any school district, or combination of school districts, unless at least 15 children qualify. The extent to which any school district shall participate in the foundation school program fund over and above the first unit shall be based on an average daily attendance of 20 eligible pupils. No state funds provided for in this section shall be used by the school district for any purpose other than for the non-English speaking program.

**§ 11.12. Involvement With School Bus Regulations**

The Central Education Agency and the State Board of Control, by and with the advice of the director of the Department of Public Safety, shall have joint and complete responsibility to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and the regulations shall by reference be made a part of any such contract with a school district. The State Board of Control shall coordinate and correlate all specification data, finalize and issue the specification so adopted as provided for by Section 10, Chapter 304, Acts of the 55th Legislature, 1955 (Article 664—3, Vernon's Texas Civil Statutes). In the regulations, emphasis shall be placed on safety features and long-range, maintenance-free factors, and requiring that all school buses shall be purchased on competitive bids as provided by Section 3, Article V, Chapter 334, Acts of the 51st Legislature, 1949 (Article 634(B), Vernon's Texas Civil Statutes). Every school district, its officers, employees, and every person employed under contract by a school district shall be subject to these regulations. The State Board of Control shall purchase equipment to conform to these standards.

**§ 11.13. Appeals**

(a) Persons having any matter of dispute among them arising under the school laws of Texas or any person aggrieved by the school laws of Texas or by actions or decisions of any board of trustees or board of education may appeal in writing to the commissioner of education, who, after due notice to the parties interested, shall hold a hearing and render a decision without cost to the parties involved, but nothing contained in this section shall deprive any party of any legal remedy.

(b) The decisions of the commissioner of education shall be subject to review by the State Board of Education.

(c) Any person, county, or school district aggrieved by any action of the Central Education Agency may appeal to a district court in Travis County, Texas. Appeals shall be made by serving the commissioner of education with citation issued and served in the manner provided by law for civil suits. The petition shall state the action from which the appeal is taken, and if the appeal is from an order of the State Board of Education, shall also set out the order, or relevant portion thereof. Upon trial the court shall determine all issues of law and fact.

**§ 11.14. Right Denied to Close or Consolidate Any Public School District**

(a) The provisions of this chapter shall not be construed to give the State Board of Education, the commissioner of education, the State Department of Education, or anyone whomsoever, the power to close, to consolidate, or cause by regulation or rule to be closed or consolidated, any public school district in this state.

(b) The provisions of this code regarding and applicable to the consolidating, annexing, or otherwise closing of school districts of this state shall govern in all such matters.

**§ 11.15. Advisory Council for Language-Handicapped Children**

(a) The Advisory Council for Language-Handicapped Children shall consist of 12 members appointed by the governor, each member to serve

at the pleasure of the governor from the date of his appointment until August 31, 1970.

(b) The governor shall designate the chairman of the council. A majority of the appointed members, at the call of the chair, shall organize and elect the other officers that the council deems necessary.

(c) A member of the council serves without compensation, but on presentation of a voucher signed by the chairman of the council and approved by the commissioner of education, is entitled to receive reimbursement for actual expenses incurred while traveling on official council business.

(d) A majority of the council is a quorum for the conduct of business.

(e) The duty of the council is to study the problems of language-handicapped children and to advise the commissioner and the Central Education Agency in the development of programs designed to diagnose and treat the problems of language-handicapped children.

(f) The council shall report to the 62nd Legislature its findings and recommendations concerning the establishment of statewide diagnostic and treatment facilities for language-handicapped children.

(g) The governor shall appoint the members of the council as soon after the effective date of this act as possible. Because of the diverse nature of the problem of language-handicapped children, the governor is hereby encouraged by the legislature to make some appointments from the fields of psychology, medicine, and education.

(h) The Central Education Agency shall:

(1) develop programs, with the advice of the council, designed to diagnose and treat the problems of language-handicapped children; that is, a child who is deficient in the acquisition of language skills due to language disability where no other handicapping condition exists;

(2) establish, with the advice of the council, at least three regional experimental diagnostic facilities;

(3) develop rules, regulations, and guidelines governing the operation of the experimental diagnostic facilities;

(4) make the necessary agreements and contacts to establish the regional diagnostic facilities;

(5) actively seek the advice and cooperation of all appropriate public agencies and private institutions in the development of a program of diagnosis and treatment of language-handicapped children;

(6) seek and may accept grants from public and private sources to finance research and to develop a program designed to diagnose and treat language-handicapped children; and

(7) provide necessary staff, offices, and facilities for the council to conduct its business.

(i) The commissioner of education shall transmit to the 61st Legislature an interim report on the status of the research into the problem of diagnosing and treating language-handicapped children. He shall include in his report an itemized estimate of the money required to conclude the research project satisfactorily by August 31, 1970.

(j) The council ceases to exist at midnight August 31, 1970.

[Sections 11.16–11.20 reserved for expansion]

## SUBCHAPTER B. STATE BOARD OF EDUCATION

## § 11.21. Definition

The State Board of Education shall be composed of 21 members, one elected from each of the educational districts, whose boundaries are coterminous with the congressional districts as constituted in 1949 under Senate Bill 195, Chapter 135, Acts 43rd Legislature, Regular Session.

## § 11.22. Membership

(a) Members of the State Board of Education shall be elected at biennial general elections held in compliance with the general election laws of this state, to the board offices which will become vacant on December 31 of that year.

(b) No person shall be eligible for election to or serve on the board if he holds an office with the State of Texas or any political subdivision thereof, or holds employment with or receives any compensation for services from the state or any political subdivision thereof (except retirement benefits paid by the State of Texas or the federal government), or engages in organized public educational activity.

(c) No person shall be elected from or serve in a district who is not a bona fide resident thereof with five years' continuous residence prior to his election. No person shall be eligible for election or appointment to or service on the board unless he is a citizen of the United States, a qualified voter of his district, and is 30 years of age or older.

(d) The total amount authorized to be expended furthering or opposing the candidacy of any person for membership on the State Board of Education shall not exceed \$1,500.

(e) A request to have the name of any person affiliated with any party placed on the official ballot as a candidate for the board offices shall be made in compliance with Article 190 of the Texas Election Code, as amended (Article 13.12, Vernon's Texas Election Code).

(f) A candidate's filing fee shall be as provided in Article 186 of the Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code).

(g) It shall be unlawful for any person, group of persons, organization, or corporation engaged in manufacturing, shipping, selling, storing, advertising textbooks—or in any other manner connected with the textbook business—to make a financial contribution to, or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education. It shall likewise be unlawful for anyone interested in selling bonds of any type whatsoever to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the board. Anyone convicted of violating the provisions of this subsection shall be punished as prescribed by the penal laws of this state.

(h) The term of office of board members shall be for six years beginning January 1 immediately following their election.

(i) At the general election in 1950 there shall be elected, in conformity with the general election laws of this state, from each of the educational districts, one member of the State Board of Education. The members of the board elected at the election in 1950 in districts 1, 2, 3, 4, 5, 6, and 7 shall serve for a term of two years, beginning January 1, 1951; the members of the board elected at the election in 1950 in districts 8, 9, 10, 11,

12, 13, and 14 shall serve for a term of four years, beginning January 1, 1951; and the members of the board elected at the election in 1950 in districts 15, 16, 17, 18, 19, 20, and 21 shall serve for a term of six years, beginning January 1, 1951. At the general election in 1952 and at each general election following, members shall be elected, in conformity with the general election laws of this state, to the board offices which will become vacant on December 31 of that year.

(j) Each member of the board shall take the official oath of office, and shall be bonded in the amount of \$10,000, in the manner prescribed in Chapter 383, Acts of the 56th Legislature, Regular Session, 1959 (Article 6003b, Vernon's Texas Civil Statutes).

(k) In case of resignation or death of a board member, or in case a position on the board otherwise becomes vacant, the board shall fill such vacancy as soon as possible by appointment of a qualified person from the affected district. The appointee shall hold office only until his successor is duly elected for the remainder of the unexpired term at the next general election and has qualified by taking the required oath and filing the required bond or until expiration of the term of office to which he has been appointed, whichever occurs first.

(l) A vacancy that occurs at a time when it is impossible to place the name of a candidate for the unexpired term on the general election ballot shall be filled by appointment, as specified in Subsection (k) of this section.

(m) Members of the board shall receive no salary but shall be reimbursed for all expenses incurred in attending meetings of the board or incident to any judicial action taken because of appeal from a board order.

#### § 11.23. Meetings and Organization

(a) The board shall hold regular meetings in Austin, Texas, on the first Monday in January, March, May, July, September, and on the second Monday in November. It may hold other meetings as scheduled by it in formal sessions or as may be called by the chairman.

(b) At its regular January meeting of each year following general election and qualification of new members, the State Board of Education shall organize, adopt rules of procedure, and elect a chairman, vice chairman, and secretary.

(c) No meeting of the State Board of Education shall be held unless attended by 14 members or more, and 14 members shall constitute a quorum for transacting all business. When the board is reduced below 14 members, vacancies may be filled by a majority vote of the remaining members.

#### § 11.24. General Powers and Duties

(a) The State Board of Education is the policy-forming and planning body for the public school system of the state. It shall also be the State Board for Vocational Education and as such, the board shall have all the powers and duties conferred on it by the various statutes relating to the State Board for Vocational Education.

(b) As one part of the Central Education Agency, the State Board of Education shall have specific responsibility for adopting policies, enacting regulations, and establishing general rules for carrying out the duties placed on it or the Central Education Agency by the legislature.

**§ 11.25. Powers and Duties Related to Commissioner of Education**

(a) The state commissioner of education shall be the executive officer through whom the State Board of Education shall carry out its policies and enforce its rules and regulations.

(b) The State Board of Education shall have power to pass on appeals from decisions made by the commissioner in applying such rules and regulations.

(c) The State Board of Education shall appoint, by and with the consent of the Texas Senate and in conformity with the requirements of Section 11.51 of this code, the state commissioner of education to serve for a period of four years, beginning June 1 and ending May 31, and may reappoint him for successive terms of four years at a salary to be set by the board.

(d) The board shall have power to remove the commissioner for conviction of a felony, or of any crime involving moral turpitude, or for wilful and continuous disregard of the board's directions on matters vital to the operation of the Central Education Agency and the public school system.

(e) When a vacancy occurs by reason of resignation, death, or removal, the board shall appoint a new commissioner for the unexpired term or an acting commissioner to serve at the board's discretion for a total consecutive term of not more than one year.

(f) On recommendation of the commissioner of education, the State Board of Education may authorize the commissioner to appoint as many official commissions composed of citizens of the state as are necessary to advise the commissioner of education in the discharge of his duties. A member of such a commission shall not receive any pay for his services on a commission other than reimbursement for actual expenses incurred. Necessary expenses for the operation of such commissions shall be included in the appropriate operating budget of the Central Education Agency and shall be subject to the same budget controls applied to all other items in the budget.

**§ 11.26. Powers and Duties Related to Educational Needs of the State**

(a) The State Board of Education shall review periodically the educational needs of the state, adopt or promote plans for meeting these needs, and evaluate the achievements of the educational program. With the advice and assistance of the state commissioner of education, the State Board of Education shall

(1) formulate and present to the governor and Legislative Budget Board the proposed budget or budgets for operating the Foundation School Program, the Central Education Agency, and the other programs for which it has responsibility;

(2) adopt operating budgets on the basis of appropriation by the legislature;

(3) establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

(4) make to the legislature biennial reports covering all the activities and expenditures of the Central Education Agency;

(5) establish regulations for the accreditation of schools;

(6) execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the legislature;

(7) execute contracts for the investment of the permanent school fund, within the limits of authority granted by Chapter 15<sup>1</sup> of this code;

(8) prescribe rules and regulations for certification of teachers and for granting certificates for teaching in the public schools of this state, in accordance with Chapter 13 of this code;<sup>2</sup> and

(9) consider the athletic necessities and activities of the public schools of Texas and in advance of each regular session of the legislature specifically report to the governor of Texas the proper and lawful division of time and money to be devoted to athletics, holidays, legal and otherwise, and to educational purposes.

(b) The State Board of Education shall not adopt any policy, rule, regulation, or other plan which would require any school district within the state, as a prerequisite for accreditation or other approval, to hire any supervisor or any guidance counselor.

1. Section 15.01 et seq.

2. Section 13.01 et seq.

**§ 11.27. Providing for Deaf and Blind or Totally Blind and Nonspeaking Persons**

(a) For the purposes of this section, unless the context otherwise requires,

(1) "totally deaf and blind person" means a person having such defects of hearing and sight that in the opinion of the board he may not be cared for, treated, or educated in the manner provided elsewhere in this code for the deaf or blind; and

(2) "totally blind and nonspeaking person" means a person having such defects of sight and speech that in the determination of the board he may not be cared for, treated, or educated in the manner provided elsewhere in this code for the blind or nonspeaking.

(b) The State Board of Education may provide for the maintenance, care, and education of persons under the age of 21 years who are totally deaf and blind or totally blind and nonspeaking.

(c) The board may accept such persons on application of the parent or guardian and may require reimbursement for the cost of their maintenance, care, and education as is provided by law for other deaf and blind, or blind and nonspeaking, persons.

(d) The board may negotiate and enter into contracts with public or private institutions inside or outside the State of Texas which are equipped to provide the specialized facilities and personnel necessary to care for and educate persons who are totally deaf and blind, or totally blind and nonspeaking; it may also provide maintenance, the necessary attendants, and transportation to and from such institutions for such persons. The costs of these services may be paid from appropriations made to the Central Education Agency for the care of persons who are totally deaf and blind.

**§ 11.28. Powers Related to Independent School Districts**

(a) The power of the State Board of Education to create and establish independent school districts has been abolished, but the State Board of Education shall continue to exercise the powers as provided in this section in those independent school districts which were created by the board under its former authority.



(b) It shall grant to such districts the right to share in the state per capita apportionment and such other privileges as are granted to independent and common school districts.

(c) The state commissioner of education shall appoint for each district a board of three trustees, who shall not be required to be residents of the district, except that for each military reservation independent school district the trustees shall be selected from a list of civilians who are qualified under the general school laws of Texas and who live or are employed on the military reservation. The list shall be furnished by the commanding officer of the military reservation to the commissioner of education. The trustees so appointed shall hold office for two years and until their successors are appointed and qualified.

(d) Each year the board of trustees shall take and certify the census of eligible children within the scholastic ages, and the children entitled to attend the reservation schools thus established shall be those of the officers, soldiers, and civilian employees residing or employed on the reservation.

(e) The board of trustees shall have the authority of transferring any school children who cannot be provided for by the district of their residence to any public school district maintaining adequate facilities and standards for elementary, junior, or senior high schools.

(f) The State Board of Education may make such special regulations and orders for the government of the district as it may deem expedient, but the laws pertaining to independent school districts, where the district is not otherwise ordered, shall govern such district.

(g) On the written request signed by a majority of the board of trustees of the district, the State Board of Education may abolish the district, in which event the State Board of Education shall give written notice to the board of trustees of the district and to the board of county school trustees or county board of education of the county in which the district is located. The county governing board shall be required to add the territory of the abolished district to a school district contiguous to the territory and to add the school census taken for the district prior to its abolishment to the scholastic census of the district to which the territory is added.

(h) Any military reservation territory which is subject to the same post or base command as a military reservation used to house dependents of military and civilian personnel and which wholly contains an independent school district, whether or not such reservations are contiguous, may be annexed to that reservation independent school district by the State Board of Education pursuant to a petition by that post or base commander.

(i) When any military reservation territory has been annexed to an independent school district of the same post or base command under Subsection (h) of this section, and the territory is no longer used to house dependents of military and civilian personnel, the State Board of Education, on petition of the post or base command, or on petition of a majority of the trustees of the school district from which the territory was originally detached, shall be authorized to detach such territory from the military reservation constituting an independent school district and to annex it to the school district from which it was originally detached.

#### § 11.29. Adoption of Budget for the Central Education Agency

(a) The State Board of Education shall adopt annually a budget for the operation of the Central Education Agency. The budget shall be in

accordance with the amounts appropriated by the general appropriations act and shall provide funds for the administration and operation of the Central Education Agency and any other necessary expense.

(b) Expenses eligible for payment in whole or in part from federal and special funds shall be designated in the budget.

(c) Expense items budgeted which are not eligible for payment from federal or special funds shall be paid from the foundation school program fund.

(d) The State Board of Education shall budget annually from the foundation school program fund for the operation of the Central Education Agency an amount not to exceed four-tenths of one percent of the total cost of the Foundation School Program as estimated for purposes of the foundation School Program Act by the board at its March meeting immediately prior to the adoption of the budget at the July meeting.

(e) The budget cost of operating the Central Education Agency which is paid from the foundation school program fund shall be included in the estimated cost of the Foundation School Program which is computed by the State Board of Education in March of each year for the determination of the local fund assignment to be charged to each school district.

(f) On or before August 15 of each year, a copy of the approved operating budget for the Central Education Agency showing total funds budgeted by sources of funds shall be filed with the state comptroller of public accounts. Thereafter, vouchers submitted by the state commissioner of education shall be paid from the appropriate fund.

**§ 11.30. Authority to Enter Into Contracts for Grants**

For the maintenance and improvement of state educational programs and activities in the public schools, the State Board of Education may enter into contracts for grants from both public and private organizations and may expend such funds under the terms and for the specific purposes contracted.

**§ 11.31. Teacher-Training Programs**

(a) The State Board of Education shall develop and publicize a program specifically designed to encourage and facilitate the entry into public-school teaching and into teacher-training programs of a corps of intelligent, mature, and concerned persons who have received bachelor's degrees from accredited institutions of higher education.

(b) The State Board of Education and the institutions of higher learning in this state that are approved for teacher education shall cooperate to develop procedures for the individual evaluation and appraisal of the training and training needs of persons applying for teacher certification who have possessed a bachelor's degree from an accredited institution of higher learning for a period of three years or longer and who are eligible under the laws of Texas to be certified, and to provide to these persons teacher-training programs that are appropriate to their needs and that can be completed in a reasonable time.

(c) The president or chancellor of each college or university in this state approved for teacher training shall appoint a three-member evaluation team to perform the individual evaluation and determine the individual training needs referred to in Subsection (b) of this section. The evaluation team shall be comprised of two members of the faculty of the department or school of education and

(1) one member from the school or college of arts and sciences if the individual is applying for evaluation for elementary certification; or

(2) one member from the teaching field of the individual if the applicant is applying for evaluation for secondary certification.

(d) More than one team as described in Subsection (c) of this section may be appointed at an institution when needed.

(e) When an applicant meeting the requirements in Subsection (b) of this section seeks to become certified to teach in the public schools of Texas, he shall present his transcript and any information covering any work experience or additional qualifications to an institution of higher learning approved for teacher education. The institution's evaluation team shall evaluate the applicant's transcript and work experience and, when practicable, interview the applicant to determine any deficiencies in either professional or content preparation, in the area of teaching specialization chosen by the applicant. The evaluation team shall give due consideration to the applicant's work experience, as well as to his academic record, and to any other evidence bearing upon his qualification as a teacher. The evaluation team shall then recommend what additional course work or other preparation is needed by the applicant to qualify for certification under standards established by the State Board of Education. While the applicant is pursuing the study and preparation recommended by the evaluation team, he will remain under its general guidance. His training may be reevaluated by the team when necessary, as when any teaching experience is acquired by the applicant either in student teaching or under emergency permit. When the team finds the applicant has satisfactorily met the requirements for certification, the team shall recommend him for a provisional certificate.

(f) The State Board of Education, with the advice and assistance of the state commissioner of education, shall develop a pattern of minimum standards for the certification of persons under this section. The pattern shall recognize the role and responsibility of the evaluation teams. As far as the training of persons under this section is concerned, the board shall allow the waiver of any current requirements for the provisional certificate not stipulated or implied by the standards developed for the guidance of institutions for this particular program. However, nothing in this section shall be construed as permitting more requirements of an applicant under this section than would be made in an undergraduate program of teacher preparation; to the contrary, the legislative intent of this section is that, in recognition of the maturity, experience, and level of achievement of applicants in this program, course requirements would more likely be reduced, compressed, or combined, and would be more freely interchangeable with similar courses.

(g) The Central Education Agency is hereby authorized and directed to prepare, or have prepared, publicity materials, and to make these materials available for use to television and radio stations, newspapers and other periodicals, and any other appropriate communications media, to encourage qualified persons to enter the teaching profession and to publicize the training program directed in this section, as well as other teacher-training programs. The Central Education Agency is hereby authorized to use for this purpose any funds that have been or may be appropriated to it, and to accept and spend for this purpose any gifts or donations of funds made for this purpose.

(h) When the commissioner of education shall so direct, in the case of applicants seeking to enter this program to qualify to teach in trade or industrial courses, the requirement herein for a bachelor's degree may be waived.

(i) The State Board of Education, with the advice and assistance of the state commissioner of education, is hereby authorized to establish such rules and regulations as are not inconsistent with the provisions of this section and which may be necessary to implement and carry out the legislative policy expressed herein.

**§ 11.32. Regional Education Media Centers**

(a) The State Board of Education shall provide, by rules and regulations, for the establishment and operation of Regional Education Media Centers to furnish participating school districts with education media materials, equipment and maintenance, and educational services.

(b) Centers approved by the Central Education Agency as meeting the Board of Education requirements are established for the purpose of developing, providing and making available to participating school districts, among other education media services, the following:

(1) lending library service for educational motion picture films, 16 mm and 8 mm or improvements thereof, with such processing and servicing of films as is needed to maintain the library;

(2) lending library service for 35 mm slides, or improvements thereof, filmstrips, and disc recordings;

(3) comprehensive lending library collection of programmed instruction materials for both remedial and enrichment purposes;

(4) educational magnetic tape duplicating service for both audio and visual tapes, with the agency central duplicating faculty servicing the regional centers for program materials;

(5) overhead and other projection transparency duplicating service to provide visuals from prepared master copies; and

(6) professional and other services to assist schools in effective and efficient utilization of all center materials and services.

(c) Regional centers shall be located throughout the state so that each school district has the opportunity to be served and to participate in an approved center, on a voluntary basis. No center shall be approved unless it serves an area having 50,000 or more eligible scholastics in average daily attendance for the next preceding school year, except that the Central Education Agency may make an exception for sparsely populated areas.

(d) A Regional Education Media Center is an area center, composed of one or more Texas school districts, that is approved to house, circulate, and service educational media for the public schools of the participating districts.

(e) Each center shall be governed by a five- or seven-member board. The board size shall be determined locally and recommended in the initial application for center approval. The State Board of Education shall adopt uniform rules and regulations to provide for the local selection, appointment, and continuity of membership for regional center boards. Vacancies shall be filled by appointment by the remaining members of the regional board for the unexpired term. All members shall serve without compensation.

(f) The Regional Media Board is authorized to employ an executive director for its respective center and such other personnel, professional and clerical, as it deems necessary to carry out the functions of the center, and to do and perform all things which it deems proper for the successful operation thereof, and to pay for all operating expenses by warrants drawn on proper funds available for such purpose.

(g) Any school district which is a participant member of a Regional Education Media Center may elect to withdraw its membership in the center for a succeeding scholastic year, electing not to support nor to receive its services for any succeeding year. Title to and all educational media and property purchased by the center shall remain with and in the center.

(h) The Central Education Agency, through its audit and accreditation divisions, shall review for purposes of continuity and standardization the services of the centers.

(i) The cost incident to setting up the centers, their operation, and the purchase of education media supplies and equipment shall be borne by the state and each participating district to the extent and in the manner provided in this section.

(j) The state shall allot and pay to each approved center annually an amount determined on the basis of not to exceed \$1 per scholastic in average daily attendance for the next preceding school year in the district or districts that are participants in an approved center. The funds or amount provided by the state shall be used only to purchase educational media or equipment for the center which have had prior approval of its Regional Media Board and the Central Education Agency through its budgetary system.

(k) School districts as participant members in the center shall provide and pay to the proper center a proportionate amount determined on its ADA for the next preceding school year matching the amount provided by the state. The matching funds provided by the participant districts, including any donated or other local-source funds, may be used to pay for costs of administration of and/or servicing by the center and to purchase supplemental educational media. A center shall not enter into obligations which shall exceed funds available and/or reasonably anticipated as receivable for the current school year.

(l) Annually, pursuant to such regulations and procedure as may be prescribed by the agency, the governing board of each center shall determine the rate per pupil based on ADA the next preceding school year, not to exceed the \$1 limit prescribed in this section, which shall constitute the basis for determination of total amount to be transmitted by participant districts to the center and as matching funds from the state's contribution to this program.

(m) The state's share of the cost in the Regional Education Media Centers program herein authorized shall be paid from the minimum foundation school program fund, and this cost will be considered by the Foundation Program Committee in estimating the funds needed for foundation program purposes. Nothing in this section shall be construed to prohibit a center from receiving and utilizing matching funds in any amount for which it may be eligible from federal sources.

#### § 11.33. Regional Education Service Centers

(a) The State Board of Education may provide for the establishment and a procedure for the operation of Regional Education Service Centers by rules and regulations adopted under this section and the provisions of Section 11.32, to provide educational services to the school districts and to coordinate educational planning in the region.

(b) The governing board of each Regional Education Service Center, under rules and regulations of the State Board of Education, may enter into contracts for grants from both public and private organizations and

to expend such funds for the specific purposes in accordance with the terms of the contract with the contracting agency.

**§ 11.34. Authority to Serve Also as the State Board for Vocational Education**

The State Board of Education is also the State Board for Vocational Education. As such it shall have the powers and perform the duties assigned in this code and the laws relating to the State Board for Vocational Education.

[Sections 11.35–11.40 reserved for expansion]

**SUBCHAPTER C. THE STATE BOARD  
OF VOCATIONAL EDUCATION**

**§ 11.41. Composition and Executive Officer**

(a) The State Board of Vocational Education is a unit of the Central Education Agency and is composed of those persons who are members of the State Board of Education as set forth in Section 11.22 of this code.

(b) The state commissioner of education shall be the executive officer through whom the state board for vocational education shall carry out its policies and enforce its rules and regulations.

**§ 11.42. Vocational Rehabilitation Division of the Central Agency**

(a) The vocational rehabilitation division of the Central Education Agency is designated and authorized to provide for the rehabilitation of severely physically disabled Texas citizens, except those who are visually handicapped as defined by laws relating to the State Commission for the Blind; provided that nothing herein contained shall affect or repeal the crippled children's restoration service authorized by Chapter 216, Acts of the 49th Legislature, 1945 (Article 4419c, Vernon's Texas Civil Statutes), administered by the crippled children's division of the State Department of Health, so far as that authority is consistent with laws relating to the State Commission for the Blind.

(b) Other functions and duties now or hereafter assigned to the supervision of the State Board for Vocational Education shall be carried out by appropriate divisions in the State Department of Education.

**§ 11.43. Instructions for Cooperation With Congressional Act Providing Vocational Rehabilitation**

(a) The State Board for Vocational Education is instructed to cooperate with the terms and conditions expressed in an Act of Congress passed June 2, 1920, and entitled: "An Act to provide for the promotion of Vocational Rehabilitation of persons disabled in industry or otherwise, and their return to civil employment," and all amendments thereto.

(b) The treasurer of the State of Texas is authorized to receive the funds appropriated under that Act of Congress and to make disbursements therefrom on the order of the State Board for Vocational Education.

(c) The State Board for Vocational Education is authorized to receive gifts and donations for rehabilitation work. These gifts and donations shall be deposited in the state treasury, subject to their matching if necessary with such funds as the federal government may allocate per bien-

nium to the state for this work, the cost of which has not already been met with state appropriations for the biennium.

(d) No person shall ever receive any commission for solicitation of any funds provided in this section.

[Sections 11.44–11.50 reserved for expansion]

#### SUBCHAPTER D. STATE COMMISSIONER OF EDUCATION

##### § 11.51. Selection and Qualifications

(a) The Office of State Commissioner of Education is a unit of the Central Education Agency and shall be filled in accordance with the provisions of Section 11.25 of this code.

(b) The state commissioner of education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction, and coordination of education systems and programs, and in administration and management of public schools and public education generally. The commissioner of education shall be a citizen of the United States and shall have been a resident of the State of Texas for a period of not less than five years immediately preceding his appointment. He shall possess good moral character, be eligible for the highest school administrator's certificate currently issued by the State Department of Education, and shall have at least a master's degree from a recognized institution of higher learning. He shall take the oath of office required of other state officials.

(c) The commissioner shall execute his official bond in a sum not to exceed \$50,000, conditioned on the faithful performance of his duties as required by the laws of Texas and the rules and regulations imposed by the State Board of Education, and pursuant to the provisions of Chapter 383, Acts of the 56th Legislature, Regular Session, 1959 (Article 6003b, Vernon's Texas Civil Statutes).

##### § 11.52. Powers and Duties

(a) The commissioner of education shall serve as executive officer of the Central Education Agency and as executive secretary of the State Board of Education and of the State Board for Vocational Education.

(b) The commissioner of education shall be responsible for promoting efficiency and improvement in the public school system of the state and shall have the powers necessary to carry out the duties and responsibilities placed upon him by the legislature and by the State Board of Education.

(c) The commissioner of education shall recommend to the State Board of Education such policies, rules, and regulations as he considers necessary to promote educational progress and shall supply the State Board of Education with all necessary or pertinent information to guide it in its deliberations.

(d) The commissioner of education shall prescribe uniform systems of forms, reports, and records necessary to secure needed information from county school officers and local school districts.

(e) The commissioner of education shall require of county judges, county and district school superintendents, county and school district treasurers or depositories, and other school officers and teachers such school reports relating to school funds and other school affairs as he may deem proper for collecting information and advancing the interests of the

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public schools. He shall furnish the necessary blanks, forms, and instructions for this purpose.

(f) The commissioner of education may delegate ministerial and executive functions to members of the State Department of Education and may employ division heads and all other employees and clerks to perform the duties of the Central Education Agency as may be authorized by appropriations therefor.

(g) The commissioner of education shall issue teaching certificates to public school teachers and administrators in compliance with the provisions of Chapter 13 of this code.<sup>1</sup>

(h) The commissioner of education is authorized to issue vouchers for the expenditures of the Central Education Agency according to the rules and regulations prescribed by the State Board of Education.

(i) The commissioner of education shall examine and approve all accounts to be paid out of the school funds by the state treasurer, and upon such approval, the comptroller of public accounts shall be authorized to draw his warrant.

(j) The commissioner of education shall observe and execute the mandates, prohibitions, and regulations established by law or by the State Board of Education in accordance with law.

(k) The commissioner of education shall have printed for general distribution as many copies of the school laws as the State Board of Education may determine.

(l) The commissioner of education shall advise and counsel the school officers of the counties, cities, towns, and school districts on the best methods of conducting the public schools. He may issue instructions and opinions regarding rules and regulations which shall be binding for observance on all officers and teachers.

(m) The commissioner shall inform himself about the educational progress of the different parts of this state and of other states. Insofar as he may be able, he shall visit different sections of this state, address teachers' institutes, associations, and other educational gatherings, instruct teachers, and promote all aspects of education. The legislature shall make adequate appropriation for the commissioner's necessary travel expenses, or those of his representative, when in service of the state.

(n) The commissioner shall, one month before the meeting of each regular session of the legislature, and 10 days prior to any special session thereof, at which, under the governor's proclamation convening the same, any legislation may be had respecting the public schools, make a full report to the State Board of Education on the condition of all the public schools. This report shall

(1) give all the information called for by the board and such other matters as the commissioner shall deem important; and

(2) be presented by the governor to the legislature, and 2,000 copies of it shall be printed in pamphlet form for use of the legislature and for distribution to the various school officers and libraries in this state and in other states and territories of the United States and Canada, and to the United States Office of Education in Washington.

1. Section 13.01 et seq.

[Sections 11.53–11.60 reserved for expansion]



**SUBCHAPTER E. THE STATE DEPARTMENT OF EDUCATION****§ 11.61. Composition**

The State Department of Education shall constitute the professional, technical, and clerical staff of the Central Education Agency.

**§ 11.62. Organization and Regulations**

(a) The State Department of Education shall be organized into divisions and subdivisions established by the commissioner of education subject to the approval of the State Board of Education.

(b) Directors of the major divisions of the State Department of Education, and all of its other employees, shall be appointed by the commissioner of education pursuant to general rules and regulations adopted by the State Board of Education.

(c) The rules and regulations pertaining to personnel administration shall include a comprehensive classification plan, including an appropriate title for each position, a description of duties and responsibilities, and the minimum requirements of training, experience, and other qualifications essential for adequate performance of the work. These rules and regulations shall likewise provide tenure safeguards, leave and retirement provisions, and establish hearing procedures.

**§ 11.63. Functions**

(a) The State Department of Education shall

(1) carry out the mandates, prohibitions, and regulations for which it is made responsible whether by statute, the State Board of Education, the State Board for Vocational Education, or the commissioner of education;

(2) make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the state; and

(3) seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation, but shall have no power over local school districts except those specifically granted by statute.

(b) The budgets and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the staff of the State Department of Education to determine whether or not all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the governor and legislature. The Central Education Agency may drop from the list of accredited schools any school district which fails to comply with the laws or the rules and regulations of the State Board of Education applicable to preparation and adoption of the local budget and/or fiscal accounting system of public school districts.

**CHAPTER 12. TEXTBOOKS****SUBCHAPTER A. GENERAL PROVISIONS****Section**

- 12.01. Free Textbooks.
  - 12.02. Textbook Fund.
  - 12.03. Textbooks for the Blind and Visually Handicapped.
- [Sections 12.04–12.10 reserved for expansion]

**SUBCHAPTER B. STATE ADOPTION, PURCHASE,  
ACQUISITION, AND CUSTODY**

- 12.11. State Textbook Committee.
- 12.12. Recommendations by State Commissioner of Education.
- 12.13. Adoption by State Board of Education.
- 12.14. Multiple List for Elementary Grades.
- 12.15. Multiple List for High Schools.
- 12.16. Other Provisions.
- 12.17. Public Notice of Adoptions to be Made.
- 12.18. Filing of Bids and Sample Copies.
- 12.19. Deposits with the Treasurer of the State.
- 12.20. Affidavit of Eligibility and Agency.
- 12.21. Affidavit as Warranty.
- 12.22. Antitrust Regulations.
- 12.23. Consideration of Bids.
- 12.24. Selection and Adoption.
- 12.25. Maximum Price.
- 12.26. Bond.
- 12.27. Preparation and Execution of Contract and Bond.
- 12.28. Provisions for Updating Books.
- 12.29. Other Contract Provisions.
- 12.30. Announcement of Adoption.
- 12.31. Central Depositories.
- 12.32. Enforcement of Contracts.
- 12.33. Cancellation of Contracts.
- 12.34. Continuing or Discontinuing Textbooks.
- 12.35. Purchase and Distribution.

[Sections 12.36–12.60 reserved for expansion]

**SUBCHAPTER C. LOCAL OPERATIONS**

- 12.61. Requisitions.
- 12.62. Local Adoptions.
- 12.63. Title, Custody, and Disposition.
- 12.64. Bond.
- 12.65. Distribution; Handling.
- 12.66. Sale of Books.

## SUBCHAPTER A. GENERAL PROVISIONS

## § 12.01. Free Textbooks

(a) Textbooks adopted by the State Board of Education for use in the public schools of Texas shall be furnished, under the plan as set out in this chapter, without cost to the pupils attending such schools.

(b) The adoption, purchase, distribution, and free use of such state-owned textbooks shall be carried out in accordance with the provisions of this chapter.

## § 12.02. Textbook Fund

(a) The state textbook fund shall consist of the fund set aside by the State Board of Education from the available school fund as provided below, together with all funds accruing from the sale of disused books, all money derived from the purchase of books from boards of school trustees by private individuals or by other schools, and all amounts lawfully paid into the fund from any other source.

(b) The State Board of Education shall annually, at a meeting designated by them, set apart out of the available school fund of the state an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this state for the scholastic year ensuing.

(c) Funds transferred to the textbook fund shall remain permanently in this fund until expended and shall not lapse to the state at the close of the fiscal year.

(d) The transfer of funds set apart to the textbook fund shall be determined by the State Board of Education on the basis of a report of the commissioner of education submitted on July 1 of each year, stating:

(1) the amount of the textbook fund which is then unexpended; and

(2) his estimate as to the funds necessary for the purchase and distribution and other necessary expenses of textbooks for the school session of the following year.

(e) On the basis of the information furnished, the state board shall have the power to set apart from the available school fund the estimated amount needed with 25 percent additional, this additional sum to be used to meet emergencies or necessities caused by unusual increase in scholastic attendance or by unusual and unforeseen expenses and school conditions.

(f) All necessary expenses incurred by the operation of this law or incident to the enforcement of this law shall be paid from the state textbook fund provided for in this chapter on bills approved by the commissioner of education.

## § 12.03. Textbooks for the Blind and Visually Handicapped

(a) The State Board of Education is authorized to acquire, purchase, and contract for, with or without bids, subject to rules and regulations adopted by the board, free textbooks recommended as suitable and usable as textbooks for the education of the blind and visually handicapped scholastics in the public school systems of this state in grades one to twelve inclusive. The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to Public Law 922, 84th Congress, or as amended.<sup>1</sup>

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(b) For purposes of this section, a blind and/or visually handicapped scholastic means and includes any pupil whose visual acuity is impaired to the extent that he is unable to read the print in regularly adopted textbooks used in the subject class.

(c) For purposes of this section, "textbook" means and includes books in Braille, large type or any other medium or any apparatus which conveys information to the scholastic or otherwise contributes to the learning process.

(d) All textbooks for the blind and visually handicapped available and submitted on invitation shall be examined by the State Textbook Committee for its recommendation as to their suitability and usability as textbooks for the blind and visually handicapped in the public school systems.

(e) Textbooks for the blind and visually handicapped and teacher copies requisitioned and purchased by the board pursuant to contract signed by the chairman thereof and the costs of administration thereof shall be paid out of the textbook fund of this state as are textbooks for pupils of normal vision.

(f) Textbooks for the blind and visually handicapped may be obtained and distributed by the Central Education Agency pursuant to rules and regulations adopted by the State Board of Education as it may act on recommendations of the State Textbook Committee and commissioner of education.

(g) All textbooks acquired by the provisions of this section shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations.

1. 20 U.S.C.A. §§ 101, 102.

[Sections 12.04–12.10 reserved for expansion]

**SUBCHAPTER B. STATE ADOPTION, PURCHASE,  
ACQUISITION, AND CUSTODY**

**§ 12.11. State Textbook Committee**

(a) The commissioner of education, annually at the meeting of the State Board of Education held on the first Monday in May, shall recommend the names of 15 persons, no two of whom shall live in the same congressional district, for appointment to the textbook committee for a one-year term.

(b) Each of the persons so named shall be an experienced and active educator engaged in teaching in the public schools of Texas. At least a majority of the members of the committee shall be classroom teachers, and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made during the year of appointment.

(c) No person who has acted as an agent for any author or textbook publishing house or who has been an author or associate author of any textbook published by any publishing house, or who owns stock in any publishing house, or who has been or is directly or indirectly connected with any textbook publishing house, shall be eligible for appointment to the State Textbook Committee.

(d) The State Board of Education shall approve or reject the nominations: and if any name is rejected, the commissioner of education shall nominate others until 15 persons have been selected, no two of whom

shall live in the same congressional district, who shall be named by the State Board of Education to membership on the textbook committee.

(e) It shall be the duty of the textbook committee to recommend to the commissioner of education a complete list of textbooks which it approves for adoption at the various grade levels and in the various school subjects. The committee shall examine carefully all books submitted for adoption and shall prepare and publish for free distribution a list of its recommendations to the state commissioner.

(f) The textbook committee shall hold its meetings where and when the State Board of Education shall determine; its members shall receive no salary but shall be reimbursed for all expenses incurred in attending meetings and/or appeals involving the committee.

#### § 12.12. Recommendations by State Commissioner of Education

(a) The commissioner of education may remove books from the list recommended by the State Textbook Committee, but he shall not place on the list any book not recommended by the committee, nor shall he reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the committee.

(b) The commissioner of education, pursuant to the provisions in Subsection (a) of this section, shall submit to the State Board of Education the list recommended by the State Textbook Committee.

#### § 12.13. Adoption by State Board of Education

The State Board of Education may remove books from the list submitted by the commissioner of education, but the board shall not place on the list any book not recommended by the commissioner of education, nor shall the board reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the commissioner of education.

#### § 12.14. Multiple List for Elementary Grades

(a) The State Board of Education shall select and adopt a multiple list of textbooks for use in the elementary grades of the public schools of Texas.

(b) The multiple list shall consist of not less than three nor more than five textbooks on the following subjects: spelling, reading (basal and supplementary), English language and grammar, geography, arithmetic, physiology-hygiene, civil government, driver education and safety, vocal music, elementary science, history of the United States (in which the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, and a system of drawing books.

(c) The board may also select and adopt textbooks for any additional subjects approved by the State Department of Education for teaching in the elementary schools, including but not limited to the foreign languages of German, Bohemian, Spanish, French, Latin, or Greek.

(d) The board may, if deemed necessary, adopt as textbooks a geography of Texas and a civil government of Texas.

(e) No book adopted shall contain anything of a partisan or sectarian character.

#### § 12.15. Multiple List for High Schools

(a) The State State Board of Education shall adopt a multiple list of books for use in the high schools of Texas.

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(b) The multiple list shall include not fewer than three nor more than five textbooks on the following subjects: algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one-year world history, American history, homemaking, physical geography, driver education and safety, vocal music, English composition, literature (including American literature and English literature), shop courses, physiology, agriculture, civil government, commercial arithmetic, bookkeeping, typewriting, shorthand, journalism, and the Latin, Spanish, German, Czech, and French languages.

(c) Free textbooks shall be provided for all other courses which have been accredited by the state accrediting committee and for which as many as 10,000 pupils are enrolled according to the annual reports from high schools to the textbook division of the State Department of Education.

**§ 12.16. Other Provisions**

(a) In the event as many as three suitable textbooks are not offered for adoption on any one subject, the board may select fewer than three textbooks.

(b) Specific rules as to the manner of selection for all books on the multiple lists provided for in this section shall be made by the State Board of Education.

(c) Textbooks adopted in accordance with the provisions of this section are adoptions for every public school in this state and no public school in the state shall use any textbook unless it has previously been approved and adopted by the State Board of Education. The board shall prescribe rules under which such textbooks adopted and approved shall be introduced or used by or in the public schools of the state.

(d) Textbooks on physiology and hygiene shall contain at least one chapter on the effect of alcohol and narcotics.

**§ 12.17. Public Notice of Adoptions to be Made**

(a) When textbooks are to be selected and adopted under the provisions of this code, or where a contract for a textbook then in use is about to expire, two months in advance of the meeting of the State Board of Education at which the adoptions may be made, the chairman of the State Board of Education shall give public notice—

(1) by having printed in the public press a notice to the effect that the meeting will be held and that adoptions will be made; and

(2) by sending written notices to all persons, firms, or corporations in whose behalf the notices shall have been requested.

(b) The notices required by Subsection (a) of this section shall contain:

(1) the time and place of the meeting of the State Board of Education at which the adoptions may be made;

(2) the subjects on which textbooks may be adopted;

(3) the last date on which sample copies of books offered for textbook adoption may be submitted;

(4) the amount of cash deposit required;

(5) the time to be allowed for signing contract and filing bond after the award is made; and

(6) a statement that formal proposals will be received on the date of the meeting.

**§ 12.18. Filing of Bids and Sample Copies**

(a) At least 30 days prior to the date of the meeting of the State Board of Education at which adoptions are to be made, sample copies of each book on which a bid will be submitted shall be filed with the commissioner of education.

(b) Every person, firm, or corporation desiring to submit a bid on a book for adoption shall make the bid, by filing with the commissioner of education five copies of each book offered for consideration, and such additional copies as thereafter may be requested by the commissioner. Publisher's price information as required in this section and as may be requested on regular and special editions shall be printed, stamped, or pasted in each copy of each book filed with the commissioner of education.

(c) The bid shall state the prices at which the book is offered to Texas, f.o.b. the publisher's Texas depository and the terms and conditions upon which the book will be furnished. The terms and conditions shall not be in conflict with other provisions of this chapter.

(d) The bids shall be submitted in two forms, one in which is stated the allowance made for books then in use and the property of the state when offered in exchange for the new books to be adopted under this code; the other without stating the allowance for presently owned books, which would remain the property of the state. The allowance and condition for exchange, if agreed to and accepted by the state, shall be enforced only during the two scholastic years following a change in books.

(e) Information which shall also be printed, stamped, or pasted in each copy of each book filed with the commissioner of education shall be:

(1) a statement of the price at which the book or special editions are sold in other places under state or county adoptions, and the minimum quantities in which it will be sold at such prices;

(2) a statement of the publisher's catalogue price of the book or special editions, together with trade discounts and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery; and

(3) a statement of the minimum wholesale price at which the book or special editions are sold f.o.b. the shipping point of the publisher and the name of the shipping point.

**§ 12.19. Deposits With the Treasurer of the State**

(a) In compliance with the published notice of adoptions to be made, each person, firm, or corporation submitting a bid or bids on a book or books for adoption shall deposit with the treasurer of the State of Texas such sum of money as the State Board of Education may require, but not less than \$500 nor more than \$2,500 according to the value of the books each bidder may propose to supply.

(b) Such deposits shall be returned to the unsuccessful bidders on certificate of the commissioner of education that no contract has been awarded on the bid for which the sum was deposited.

(c) When any successful bidder has been awarded a contract and has filed his bond and contract with the State Board of Education and they have been approved, the State Board of Education shall make an order on the treasurer of the state reciting such facts, and the treasurer shall return the deposit of such bidder to him.

(d) If any successful bidder fails to make and execute the contract and bond as provided in this subchapter, the deposit made by the successful

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bidder shall be forfeited to the state absolutely and the treasurer shall place the deposit of the bidder in the state treasury to the credit of the available school fund, and the State Board of Education may readvertise for other bids to supply the book or books.

§ 12.20. Affidavit of Eligibility and Agency

(a) Each person, firm, or corporation submitting a bid on any book or books for adoption shall file with the commissioner of education on the day that the State Board of Education meets or within the last five days just preceding the date on which the board meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding, setting forth all of the facts with reference to the eligibility of the bidder to make a proposal.

(b) Each affidavit filed must contain the following:

(1) the names of all persons employed to act for the bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of the bid or bids and supporting documents, together with the addresses of such individuals and the capacity in which each served;

(2) the names of any persons who may have at any time during the preceding year received, either directly or indirectly, any money or other thing of value from the bidder by way of emolument for services rendered in this state, either directly or indirectly, in securing or attempting to secure contracts for the sale of books of the publisher or in promoting the sale of such books to the State of Texas;

(3) a statement that no member of the State Board of Education or of the State Textbook Committee is in any way interested, directly or indirectly, in the individual, firm, or corporation bidding; and

(4) a statement that the antitrust affidavits and other materials required by Section 12.22 of this code have been filed.

(c) In the event any publisher, after filing the affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the State Board of Education, he shall disclose such employment to the board by filing a supplementary affidavit before any contract in which he is interested shall be awarded.

(d) A publisher who cannot or does not comply with the provisions of this section shall not be eligible to bid.

§ 12.21. Affidavit as Warranty

The statements made in all affidavits filed by a publisher shall be considered warranties and, if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it is shown that such misstatement or nondisclosure of fact was unintentional or an oversight on the part of the publisher.

§ 12.22. Antitrust Regulations

(a) No book or books shall be purchased from any person, firm, or corporation who is a member of or connected with any trust.

(b) The affidavits (as shall be applicable to the bidder) which the State Board of Education shall require all persons, firms, and corporations bidding for a contract to file with the board, on or before the date selected by the board for receiving sealed bids for textbook adoptions,



and in order to carry out the requirement of Subsection (a) of this section, are as follows:

(1) Each person, firm, or corporation shall file a sworn affidavit that said person, firm, or corporation is not a trust and is not connected either directly or indirectly with a trust.

(2) Each person, firm, or corporation shall file a sworn affidavit stating whether the person, firm, or corporation is interested, or whether the person, firm, or any member thereof, or any individual stockholder of such corporation is interested or acting as a director, trustee, or stockholder, either directly or indirectly or through a third party, or in any manner in any other textbook publishing house. This statement shall be sworn to by the person, a member of such firm, or the president, secretary, and each of the directors of a corporation.

(3) Each firm bidding for a contract supplying books shall present a sworn statement signed by all its members, showing the names of all members of the firm, and stating whether any other person, firm, or corporation has any financial interest in the firm, and also whether any individual members of the firm have any financial interest in any other textbook publishing firm or corporation or textbook publishers.

(c) The State Board of Education shall also require the corporations, persons, or firms to file attested copies of all written agreements entered into and existing between them and others engaged in the textbook publishing business.

#### § 12.23. Consideration of Bids

(a) The State Board of Education shall meet at the time and place mentioned in the public notice of adoptions to be made, as specified in Section 12.17 of this code. The board shall then and there open and examine the sealed proposals received.

(b) No bid shall be considered from, and no contract shall be made with, any publisher who has failed to establish his eligibility in compliance with the terms of Section 12.20 of this code;

(c) No bid shall be considered and no book or books shall be purchased from any person, firm, or corporation who is a member of or connected with any trust, or if, in the opinion of the State Board of Education, the affidavit, written agreements, or other facts presented in compliance with the terms of Section 12.22 of this code are violations of the anti-trust laws of the State of Texas or opposed to public policy.

(d) No person, not the author or publisher or the bona fide permanent and regular employee of the publisher, shall appear before the State Board of Education in behalf of any book submitted to the board for adoption or seek to influence the members thereof.

#### § 12.24. Selection and Adoption

(a) The State Board of Education shall make a full and complete investigation of all books and accompanying bids. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented.

(b) The books selected and adopted shall be those which in the opinion of the board are most acceptable for use in the schools. Quality, mechanical construction, paper, print, price, authorship, literary merit, and other relevant matters shall be given such weight in making the decisions as the board may deem advisable.

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(c) No textbook shall be adopted until it has been read carefully and examined by at least a majority of the State Textbook Committee.

(d) The State Board of Education shall proceed without delay to adopt for use in the public schools of this state textbooks on all branches authorized by this chapter; but if the bids submitted are not satisfactory, the board may postpone the selection of the books or a part of them to such time as the board may select, and after readvertising, new bids may be received and acted on by the board in the same manner as original bids.

(e) If no texts on any prescribed subject are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the board, then it shall be the duty of the board to instruct the commissioner of education to investigate the book market for the purpose of securing bids with a view of providing at the most reasonable price or prices possible, the best available texts on subjects that are to be adopted by the board for the schools of Texas.

**§ 12.25. Maximum Price**

The maximum price which the State Board of Education shall contract to pay, f.o.b. the Texas depository of the publisher, for any books to be used in the public schools of this state shall not exceed the minimum price at which the publisher sells the book in wholesale quantities, f.o.b. the publisher's publishing house, after all discounts have been deducted. Any contract made for the purchase of books for use in the public schools of Texas at a higher price than the maximum price fixed by the preceding sentence of this section shall be void.

**§ 12.26. Bond**

(a) The bidder to whom any contract may have been awarded shall execute a good and sufficient bond payable to the State of Texas. The bond shall be in an amount which the State Board of Education deems advisable but not less than \$2,500 for each textbook adopted by the State Board of Education for use in the public schools of the state. The bond shall be approved by the State Board of Education and shall be conditioned that the contractor shall faithfully perform all the conditions of the contract.

(b) For the purpose of securing satisfactory bond a series of pamphlet writing books shall be considered as one textbook, a series of pamphlet drawing books shall be considered as one textbook, and a series of band, chorus, or orchestra pamphlet-type books shall be considered as one textbook.

(c) The bond shall not be exhausted by a single recovery thereon, but may be sued on from time to time until the full amount is recovered.

(d) The State Board of Education may, at any time, on 20 days' notice, require a new bond to be given and in the event the contractor, shall fail to furnish new bond, the contract of the contractor may at the option of the State Board of Education, be forfeited.

**§ 12.27. Preparation and Execution of Contract and Bond**

(a) The contract and bond shall be prepared by the attorney general, and be payable in Travis County, Texas, and shall be deposited in the office of the secretary of state.

(b) Each contract shall be duly signed by the publishing house or its authorized officers and agents; and if it is found to be in accordance with all the provisions of this chapter, and if the bond required by this

chapter is presented and duly approved, the State Board of Education shall approve the contract and order it to be signed on behalf of the board by the chairman.

(c) All contracts shall be made in duplicate, one copy to remain in custody of the secretary of state and be copied or appear reproduced in full in the minutes of the meeting of the State Board of Education in a well-bound book, and the other copy to be delivered to the company or its agent.

#### § 12.28. Provisions for Updating Books

(a) Every contract shall contain a provision that the State Board of Education may, during the life of the contract, on giving one year's previous notice to the publishers of the book or books, order the changes, amendments, and additions to the book or books so selected and adopted as in the discretion of the board shall keep them up-to-date and abreast of the times. Such revisions shall not be made more often than at two-year intervals.

(b) If in the judgment of the State Board of Education changes or revisions make it impractical for the revised books to be used in the same class with the old books, the publishers shall be required to give the same exchange terms as were given when the books were first adopted, and the exchange period shall extend two years from the time the revised books are first put into use in the schools.

(c) Nothing in this section shall be construed to give the State Board of Education power or authority to abandon any book or books originally contracted for.

#### § 12.29. Other Contract Provisions

(a) The State Board of Education shall specify the duration of time of all adoption contracts, which shall be for a period the board may determine but not to exceed six years.

(b) The right to exclusive use of new books during the first three years of the term of any contract shall be waived by the contracting publishers to provide for the gradual introduction of new books.

(c) No contract shall ever be made that binds the state to buy a specific number of a specific quantity of textbooks, but all contracts shall be for such books as the state may need.

(d) Each contract shall provide or be construed to authorize that any book adopted in the contract by the State Board of Education may be sold by the publisher designated depository to any person, or to private and/or parochial schools, or state institutions of this state at the same rate and discount as those granted to the state, provided advance payment accompanies the purchase.

(e) Each contract shall contain a clause to the effect that, if the contract is cancelled by reason of fraud, collusion, or material breach, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered out of the bond by the state at the suit of the attorney general.

#### § 12.30. Announcement of Adoption

(a) As soon as the State Board of Education has entered into the contract for the furnishing of books for the public schools of this state under the provisions of this chapter, it shall be the duty of the board to issue its proclamations of such facts to the people of the state.

(b) As soon as practical after the adoption of the textbooks provided for in this chapter, the commissioner of education shall address to the county superintendents and to the presidents of the school boards in independent school districts and to the presidents of school boards in common school districts having 300 or more scholastic population a circular letter which shall contain a list of all the books and such other information as he may deem advisable.

**§ 12.31. Central Depositories**

All parties with whom book contracts have been made shall establish and maintain in some city in the state a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate state agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point. At the general depository each contractor joining in the agency shall keep on hand a sufficient stock of books to supply the schools of the state.

**§ 12.32. Enforcement of Contracts**

(a) Any person, firm, or corporation with whom a contract has been entered into under the provisions of this chapter, shall designate the secretary of state of Texas as its agent, on whom citation shall be served, and all other writs and processes, in the event any suit shall be brought against the person, firm, or corporation.

(b) The commissioner of education shall carefully label and file away the copies of books adopted as furnished for examination to the State Board of Education; the copies shall be securely kept and the standard of quality and mechanical excellence of the books so furnished under contract shall be maintained during the continuance of the contract.

(c) Complaints regarding textbook service or quality shall be made both to the commissioner of education and to the state depository designated by the contractor of the books. In the event a complaint does not receive reasonable prompt attention, the complaint shall be taken to the county judge, who shall report the fact to the attorney general. The attorney general shall bring suit on account of the failure in the name of the State of Texas in a district court of Travis County, and shall recover on the bond given by the contractor for the full value of the books not furnished as required, and an additional sum of \$100. Each day of failure to furnish the books shall constitute a separate offense. The amounts so recovered shall be placed to the credit of the state textbook fund.

**§ 12.33. Cancellation of Contracts**

(a) Any contract entered into under the provisions of this chapter may be cancelled by the state in a suit instituted by the attorney general for fraud, or collusion, or material breach of the contract on the part of either party to the contract or any member of the State Board of Education or any person, firm, or corporation, or their agents making the bond or contract.

(b) For the cancellation of any such contract the attorney general is authorized to bring suit in the proper court of Travis County.

(c) In case of the cancellation of any contract as provided for, the damages shall be fixed at not less than the amount of the bond, to be recovered as liquidated damages in the same suit canceling contract. Because of the difficulty of determining the damages that might accrue by

reason of fraud, collusion, or material breach, and cancellation of a contract, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered by the state at the suit of the attorney general.

(d) In the event it is established that any antitrust regulation as specified in Section 12.22 of this code has been violated, the violation shall be held to be fraud and collusion, and the attorney general shall bring suit on the bond of that person, firm, or corporation, and on proof of violation shall recover the liquidated damages as provided for in this section.

#### § 12.34. Continuing or Discontinuing Textbooks

(a) It shall be the duty of the State Board of Education to meet annually on the second Monday in November and at such other times as it may deem necessary for the purpose of considering the advisability of continuing or discontinuing, at the expiration of each current contract, any or all of the state-adopted textbooks in use in the public schools of Texas and for making such adoptions as are provided for in this chapter.

(b) Adoptions for the total number of different texts shall be so arranged that contracts on not more than one-sixth of the total number of different basal subjects shall expire in any one year or shall be changed in any one year. The series of pamphlet books referred to in Section 12.26(b) of this code shall each be considered as one book.

(c) Before making any change in the adopted series, the board shall, on thorough investigation, satisfy itself that a change is necessary for the best interest of the school children and that such change is consistent with financial economy.

(d) Before the board shall determine to displace any book on which the contract is expiring, it shall, before making a new contract for a new text, ascertain through the office of the commissioner of education the number of usable books of the kind on which the contract has expired or is about to expire, there are on hand, and also the estimated number of books that would be required to supply the needs of the schools of the state using the books for the first, second, and third years immediately succeeding the expiration of the contract on the books. The purpose of furnishing such an estimate of the number of books needed shall be to give the textbook publishers only an approximation as to the possible quantity of books which the state may need, but the state shall not be bound to any specific quantity.

(e) At the time the commissioner of education undertakes to secure a statement of the number of usable books on hand, as provided above, he shall also secure from the superintendents of independent school districts and of common school districts having 300 or more scholastic population and from county superintendents an expression as to whether or not they believe the existing text should be readopted or a new text adopted, and such information shall be for the use of the State Board of Education, but the board shall not be bound to readopt the old text or to adopt a new text by reason of such expression of preference by the superintendents.

(f) The board shall then secure from the publisher of the book on which the contract has expired or is about to expire a bid or offer for the furnishing of such textbooks to meet the actual necessities of the schools of the state during the first-, second-, and/or third-year period, allowing the state, however, a margin of 25 percent over, or 25 percent under, the estimated number to be required.

(g) If, upon consideration of the cost of the books required to supply such needs for such a period, it appears to the board that it will be economical to do so, it may make a contract with such publishers to furnish such books during said first-, second-, and/or third-year period with a view to using up the entire supply of such books on hand instead of wasting the same at the expiration of the original contract. At the expiration of the period, the board shall then make a contract for a textbook on the subject.

(h) Unless new textbooks better suited to the requirements of the schools are offered to supplant existing textbooks at a price and in quality satisfactory to the board, the board shall renew the existing contracts for such period as may be deemed advisable not to exceed a period of six years.

( )<sup>1</sup> Whenever the contractor supplying any book agrees to renew the contract on the same terms for a period of not less than two years nor more than six years, the members of the State Board of Education shall give preference to the offer of the company holding the contract if they shall thereby secure as good or better books at a lower price than by making a different contract.

(j) It shall always be lawful for the board to renew a contract on such terms that in its judgment may be for the best interest of the state.

1. So in enrolled bill.

#### § 12.35. Purchase and Distribution

(a) The purchase and distribution of free textbooks for the state shall be under the management of the commissioner of education, subject to the approval of the State Board of Education.

(b) One copy of each textbook used in the work taught by the teacher shall be issued by the school trustees, or their representatives, to each teacher as a desk copy. These books shall be returned to the trustees or their representatives at the close of the session.

(c) Books purchased in accordance with the terms of this chapter shall be delivered to the school districts f.o.b. the Texas depository of the publisher and shall be shipped by freight, parcel post, or express, as may be set out in the requisition.

(d) If it is necessary for the publisher or the depository to prepay any shipping charge, it shall be repaid by the state, in the same manner that the books are paid for, and in addition to the bill for books.

(e) The State Department of Education may direct the route by which books shall be shipped.

(f) Bills for textbooks purchased by the state on requisitions as provided for in this chapter shall be paid by warrants on the state treasury made by the state comptroller of public accounts on receipt of bills approved by the commissioner of education. The payment shall be made within 90 days from date of delivery, and if payment is delayed thereafter, a six percent per annum shall be added until date of payment.

(g) Any person, school not controlled by the state, state institution, or dealer in any county in the state may order books from the state depository designated by the publisher, and the books so ordered shall be furnished at the same rate and discount as are granted to the state, but in that case the designated depository may require that the price of books so ordered shall be paid in advance.

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## SUBCHAPTER C. LOCAL OPERATIONS

## § 12.61. Requisitions

(a) On the first school day of April each teacher shall report the maximum attendance of each of his grade levels taught, to the school principal or superintendent, if any, or to the county superintendent.

(b) Within one week subsequent to the first school day in April compiled reports as to the maximum attendance for the school shall be made by the principal to the superintendent or, if there is no district superintendent, the report shall be made to the county superintendent having jurisdiction of the district.

(c) Each superintendent of an independent school district, and each principal of a school district classified as common having a scholastic population of 300 or more and electing to have its books requisitioned and distributed directly to the district, shall compile maximum attendance reports and make such reports to the commissioner of education.

(d) Each county superintendent shall compile reports of the schools classified as common and under his jurisdiction (except for those electing to requisition directly as provided in Subsection (c) of this section), and make a report to the commissioner of education.

(e) Books needed as reported in Subsection (d) of this section shall be requisitioned and distributed entirely through the office of the county superintendent. However, any school district classified as common with a scholastic population of 300 or more may elect to have its books requisitioned and distributed in the same manner as are those for independent school districts. The duties of the county superintendent with reference to the care and distribution of textbooks shall be subject to the approval of the county school board and the commissioner of education.

(f) Reports as to the maximum attendance of each school shall be made to the commissioner of education as prescribed in Subsections (c) and (d) of this section not later than April 25 of each year. Blank forms for such reports and for the requisition of textbooks shall be prepared and furnished by the State Department of Education.

(g) Requisition for textbooks for a subsequent session shall be based on the reports of the maximum number of scholastics in attendance during the preceding school session, plus an additional 10 percent, except as otherwise provided. Requisitions shall be made through the commissioner of education and furnished by him to the state depository designated by contractors of books not later than June 1 of each year; but in cases of unforeseen emergency the designated state depository shall fill orders for books on requisition approved by the State Department of Education.

(h) Requisitions for textbooks shall be delivered to the county superintendent by each principal or superintendent of those school districts whose books are requisitioned and distributed through the county superintendent.

(i) Requisitions for supplementary readers and other textbooks may be made at convenient times during the session and should be made within one month in advance of the time the books will be needed.

## § 12.62. Local Adoptions

(a) No public school in the state shall use any textbook unless it has been previously adopted and approved by the State Board of Education.

(b) In each subject of the elementary and high school grades, one or more of the several textbooks of each multiple list adopted may be select-

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ed by local school officials; but all of the schools in any one district, or all districts under the supervision of any one county school system (county school board and/or superintendent) must select the same book or books for all of the schools within the system.

(c) Once textbooks are selected from the multiple lists, they shall be continued in use in that school system for the entire period of the adoption or for a minimum period of not less than five years.

(d) Supplementary readers for pre-primer, primer, first, second, and third grades shall be distributed on a quota of not more than 300 percent of the enrollment for each of the grades to which the book is assigned.

(e) Supplementary readers for the fourth through the eighth grades shall be distributed on a quota basis not in excess of 200 percent of the grade enrollment to which the books are assigned.

(f) Agriculture and homemaking textbooks for grades 9 through 12 shall be distributed on a quota basis not in excess of 220 percent of the subject enrollment.

(g) All other books not specified in this section shall be supplied on the basis of one book for each pupil enrolled in the subject for which the book is adopted and not to exceed the total enrollment for the subject plus the teachers' copies.

## § 12.63. Title, Custody, and Disposition

(a) After purchase according to the provisions of this chapter, all textbooks are and shall remain the property of the State of Texas.

(b) Specific rules as to the requisition, distribution, care, use, and disposal of books may be made by the commissioner of education, subject to the approval of the State Board of Education. Such rules shall not conflict with the provisions of this code.

(c) Textbooks shall be subject to inspection by any agent or inspector authorized by those having charge of the local textbook service or authorized by the commissioner of education subject to approval of the State Board of Education.

(d) The commissioner of education with the approval of the State Board of Education may provide for the disposition of those textbooks which are no longer in fit condition to be used for instruction purposes, or for the disposition of discarded books remaining the property of the state. In case of the disuse of books in fair condition, inspectors of the State Department of Education may require continuance of their use.

(e) The school trustees of each district shall be designated as the legal custodians of the books and shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical.

## § 12.64. Bond

(a) One or more members or employees of each district board of trustees shall enter into bond in the sum of 15 percent of the value of the books consigned to the district by the state, payable in Austin, Texas, to the governor of the state, or his successors in office. All money accruing from the forfeiture of the bonds shall be deposited by the governor to the credit of the state textbook fund.

(b) The bond shall be approved by the county judge of the county in which the school is situated and by the commissioner of education; deposited with the commissioner; and conditioned on the faithful discharge by the member or employee of his duties under his employment and under



this section and on his faithfully accounting for all books coming into his possession and for all money received from the sale thereof.

**§ 12.65. Distribution; Handling**

(a) The district school trustees may delegate, under such terms as they deem best, to their employees power to requisition and distribute books and to manage books, but such delegations of authority shall not be at variance with the provisions of this code or with the rules for free textbooks formulated by the commissioner of education and approved by the State Board of Education.

(b) All books shall have on one inside cover a printed label stating that the book is the property of the state. Schools shall number all books, placing the number on the printed label. Teachers shall keep a record of the number of all books issued to each pupil. Books must be covered by the pupil under the direction of the teacher. Books must be returned to the teacher at the close of the session or when the pupil withdraws from school.

(c) Each pupil, or his parent or guardian, shall be responsible to the teacher for all books not returned by the pupil, and any pupil failing to return all books shall forfeit his right to free textbooks until the books previously issued but not returned are paid for by the parent or guardian.

(d) Teachers and school officers must make such reports as to the use, care, and condition of free textbooks as may be required by the local trustees or by the State Department of Education. The salary for any month of any teacher or employee who neglects to make the report at the proper time may be withheld until each report is received in a condition satisfactory in form and content.

(e) No teacher or employee of the school engaged in the distribution of textbooks under this code as the agent or employee of the state, or of any county or district in the state, shall, in connection with this distribution, sell or distribute, or in any way handle, any kind of school furniture or supplies, such as desks, stoves, blackboards, crayons, erasers, pens, ink, pencils, tablets, etc.

(f) Local boards of trustees shall make provision for the fumigation of books before the reissue of the books. Covers of all books shall be removed before reissue, and the pupils to whom the books are issued shall replace covers under the direction of the teacher.

**§ 12.66. Sale of Books**

The local boards of school trustees may sell books to pupils or parents attending the public schools of this state, at the state contract price. All money accruing from sales of textbooks by boards of school trustees shall be forwarded to the commissioner of education as directed, and deposited in the state textbook fund.

## CHAPTER 13. CERTIFICATION OF TEACHERS

### Section

- 13.01. State Board of Examiners for Teacher Education.
- 13.02. Rules and Regulations.
- 13.03. Filing of Application and Payment of Fees.
- 13.04. Qualifications.
- 13.05. Classes of Certificates.
- 13.06. Provisional Certificate.
- 13.07. Professional Certificate.
- 13.08. Duration of Certificate.
- 13.09. Certificate Areas of Specialization.
- 13.10. Emergency Teaching Permits.
- 13.11. Transition Certificates.
- 13.12. Certificates and College Credentials from Other States.
- 13.13. Certificates for Teaching in the Texas School for the Deaf or the Texas School for the Blind.
- 13.14. Alien Teachers.
- 13.15. Presentation and Recording of Certificates.
- 13.16. Cancellation of Certificates.

### Section 13.01. State Board of Examiners for Teacher Education

(a) The state commissioner of education shall be authorized to appoint a board of examiners for teacher education consisting of not less than three competent teachers, living in the state, to serve during his pleasure, and he may increase or decrease the number as varying conditions may make necessary.

(b) It shall be the additive and cumulative duty of every person who is a state employee, teacher, professor, or officer of any of the state institutions of higher learning, and drawing a state warrant for salary as such, to serve as an ex officio member of the board of examiners for teacher education when called upon by the state commissioner of education for the performance of such ex officio duties.

### § 13.02. Rules and Regulations

(a) The State Board of Education, with the advice and assistance of the state commissioner of education, is authorized to establish such rules and regulations as are not inconsistent with the provisions of this chapter and which may be necessary to administer the responsibilities vested under the terms of this chapter concerning the issuance of certificates and the standards and procedures for the approval of colleges and universities offering programs of teacher education.

(b) In order to secure professional advice for his recommendations to the State Board of Education, the state commissioner of education shall consider recommendations of the board of examiners for teacher education in all matters covered by this chapter.

### § 13.03. Filing of Application and Payment of Fees

(a) Any person eligible to obtain a teacher certificate of any kind or classification provided for in this chapter shall make application to the

state commissioner of education, stating the class of certificate or certificates desired, and shall present to the commissioner such proof as this and other teacher certification laws require concerning his qualifications and fitness for the class of certificate requested.

(b) No applicant shall receive a teacher certificate of any class or kind, except as otherwise provided in this chapter, without first depositing with the state commissioner of education the application fee prescribed to be paid under the provisions of this chapter for the particular type or class of certificate requested.

(c) All application fees collected under the provisions of the teacher certification laws shall be used to cover the expenses of inspection and identification of approved college or university teacher education programs and of recording and issuing certificates.

#### § 13.04. Qualifications

(a) No person shall receive a certificate authorizing his employment in the public schools of Texas without showing to the satisfaction of the state commissioner of education that he—

(1) is a person of good moral character, evidenced by written statements of three good and well-known citizens, or such proof as the commissioner may require of his moral qualifications;

(2) will support and defend the constitutions of the United States and the State of Texas;

(3) has secured credit from a college or university in this state in a course or courses (government or political science) which give special emphasis on the Texas Constitution and has secured credit from a college or university in a course or courses (government or political science) which give special emphasis on the United States Constitution, or shall have passed examination(s) administered under the direction of the Central Education Agency, in the one or both, as the situation demands; and

(4) has ability to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.

(b) No certificate shall be granted to a person under 18 years of age.

#### § 13.05. Classes of Certificates

Teacher certificates authorizing the holders thereof to contract to teach, or to be employed in professional teaching service positions in the public schools of this state, shall be of two classes, designated as provisional certificates and professional certificates.

#### § 13.06. Provisional Certificate

(a) The provisional certificate shall be issued to each applicant who has acquired, or shall acquire, a bachelor's degree conferred by a college or university approved for teacher education by the State Board of Education of Texas, and who is otherwise eligible to teach in the public schools of this state.

(b) Vocational teachers in trade and industrial courses shall not be required to have a bachelor's degree as a predicate to the issuance of a provisional certificate to them, but must in lieu of the bachelor's degree requirement have work experience to the extent that shall be established in the state plan for vocational education.

(c) A special teacher designated as a school nurse shall not be required to have a bachelor's degree as a predicate to the issuance of a pro-

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visional certificate, but must in lieu thereof have been certified as a registered nurse under the laws of this state.

(d) An application fee of \$2 shall be paid by each applicant for the certificate provided for herein.

**§ 13.07. Professional Certificate**

(a) The professional certificate shall be issued to each applicant who has acquired a bachelor's degree conferred by a college or university approved for teacher education by the State Board of Education; who has satisfactorily completed at least 30 additional graduate-level hours, that shall be completed in accordance with an approved college plan of graduate teacher education designed for the purpose of qualifying the applicant to serve in the area or areas of specialization to appear on his certificate, in a college or university which has an approved graduate program of teacher education; and who has at least three years of teaching experience.

(b) The State Board of Education acting on recommendation of the state commissioner of education shall define by regulations what constitutes a year of teaching experience for purposes of this section.

(c) An application fee of \$3 shall be paid by each applicant for the certificate provided for in this section.

**§ 13.08. Duration of Certificate**

Either a provisional or professional certificate shall be permanent and valid for life, unless cancelled by lawful authority.

**§ 13.09. Certificate Areas of Specialization**

(a) The provisional and professional certificates shall show clearly that the holders thereof may teach or perform duties in professional service positions in one or more of the specialization areas in which the applicant shall have completed the college or university teacher education program approved for such area(s).

(b) The specialization areas shall be in:

- (1) the elementary schools, including kindergartens, grades 1 to 8 inclusive, and in grade 9 in junior high school;
- (2) junior high schools, including grades 6 to 10 inclusive;
- (3) high schools, including grades 7 to 12 inclusive;
- (4) in a special subject for all grades; and
- (5) in a professional service position or area as provided in the foundation school program law.

(c) The specialization area or areas designated above (which are to appear on the face of the certificate issued to an eligible applicant) shall be based upon the satisfactory completion by the applicant of a college or university teacher education program approved in one or more of the above five areas of specialization by the State Board of Education as recommended by the state commissioner of education.

**§ 13.10. Emergency Teaching Permits**

An emergency permit to teach, valid for not more than one scholastic year, may be issued under regulations adopted by the State Board of Education upon recommendation of the state commissioner of education. An application fee of \$1 shall be paid by an applicant for the permit authorized herein, and for each necessary renewal thereof.

**§ 13.11. Transition Certificates**

(a) "Permanent," as used throughout this section, shall mean valid for life unless cancelled by lawful authority.

(b) All persons enrolled in a college approved for teacher education and preparing for the teaching profession and all persons or teachers qualified for teacher certification or certified to teach in the public schools of this state prior to September 1, 1955, are safeguarded and protected in their right or privilege to pursue and continue in the teaching profession or training. Such persons as are eligible therefor shall receive, on application, the certificate or certificates authorized in Subsections (c), (d), (e), (f), (g), (h), and (j) of this section.

(c) A non-degree teacher who, on September 1, 1955, held a valid permanent teacher certificate issued upon prior certification laws of this state, and who is employed as a teacher in any scholastic year, on application, shall be issued a provisional certificate marked permanent.

(d) A non-degree teacher who, on September 1, 1955, held a valid temporary certificate issued under prior certification laws of this state, and who is employed as a teacher in any scholastic year thereafter, on application, shall be issued a provisional certificate marked temporary. This certificate shall be good for the remaining years of validity of his previous temporary certificate, but on expiration may be revived and continued by complying with the certification laws in effect at the time the temporary certificate was issued. Upon the holder's completion of the requirements entitling him to a permanent certificate, as prescribed by law pursuant to which his temporary certificate was issued, the provisional certificate shall be marked permanent.

(e) Any person who, prior to September 1, 1955, had established his eligibility for any teacher certificate under the then-existing certification laws of this state may apply for and receive the state certificate to which he was entitled under such laws on payment of the fees prescribed. On application, such person may also receive the class of certificate to which the provisions of this chapter entitle him.

(f) Any teacher who has a bachelor's degree, holds a valid Texas teacher certificate, has five years or more of teaching experience, and is employed as a teacher in any scholastic year following September 1, 1955, shall, on application, be issued a professional certificate. Such a teacher may, however, substitute six semester hours of college credit earned in a college or university approved for teacher education, and acquired after the conferring of his bachelor's degree for a year of teaching experience, but no more than three years (a total of 18 semester hours) of college credit may be substituted in order to qualify for a professional certificate.

(g) Any teacher who has a bachelor's degree, holds a valid Texas teacher certificate, but has less than five years of teaching experience (and cannot meet the requirements in Subsection (f) of this section for college credit in lieu of teaching experience), and who is employed as a teacher in any scholastic year following September 1, 1955, shall, on application, be issued a provisional certificate marked "permanent."

(h) Any teacher who has a master's degree, holds a valid Texas teacher certificate, and is employed as a teacher in any scholastic year following September 1, 1955, shall, on application, be issued a professional certificate.

(i) Any person who, prior to September 1, 1955, was enrolled in a program leading to a bachelor's degree in a college or university approved

for teacher education may continue to pursue the program established or altered by the college. On completion of the program and acquisition of the bachelor's degree, he shall be issued, on application and payment of fee prescribed therefor, the kind of certificate for which such preparation entitled him under the previous certification law when his college program was begun.

(j) Any person who held a valid permanent teaching certificate prior to September 1, 1955, shall, on application, be issued a professional certificate. If any part of this chapter is in conflict with this subsection, then this subsection shall control.

(k) There shall be no fee charged for the issuance of either class of new transitional certificates authorized under this section.

(l) The new classes of transitional certificates authorized to be issued under this section shall have designated on their face the area(s) of specialization corresponding to those specializations authorized by the applicable provisions of the previous certification laws.

#### § 13.12. Certificates and College Credentials From Other States

(a) A person who holds a bachelor's or higher degree from another state and who desires a Texas certificate shall present such out-of-state certificate and official college transcript to the state commissioner of education, who shall require the State Board of Examiners for Teacher Education to make investigation as to the value of the transcript or certificate, as measured by the standards for certificates in Texas. The commissioner of education shall have the power to issue to the holder of a valid certificate or bachelor's or higher degree from another state a Texas certificate which in his judgment the holder merits when the value of his degree or certificate is measured by the standards required for Texas certificates. But no certificate may be issued if the degree or certificate presented is not deemed to meet the requirements for a Texas provisional certificate.

(b) No Texas teacher certificate shall be issued to a person from another state, as provided in Subsection (a) of this section, until that person has secured credit from a college or university in this state in a course or courses which give special emphasis on the Texas Constitution and has secured credit from a college or university in a course or courses which give special emphasis on the United States Constitution, or shall have passed examination(s), administered under the direction of the Central Education Agency, in one or both, as the situation demands. The course or courses may be taken by correspondence, extension classes, or in residence.

(c) Any person who applies for a Texas teacher certificate on credentials from another state, as provided in Subsection (a) of this section, may be issued by the state commissioner of education an emergency permit, which will indicate on its face the area of specialization and the class of certificate which the applicant shall be entitled to receive upon completion of the requirement set out in Subsection (b) of this section. The emergency permit shall entitle the applicant to teach in the area of specialization appearing on its face and shall be valid for a period not exceeding one scholastic year. No more than one emergency permit authorized in this subsection shall be issued to any applicant. The applicant shall be required to pay a fee of \$2 for the issuance of the emergency permit as well as an additional fee, prescribed in this chapter, for the issuance of a valid Texas teacher certificate when he qualifies and makes application therefor.

**§ 13.13. Certificates for Teaching in the Texas School for the Deaf or the Texas School for the Blind**

(a) A provisional certificate to teach the deaf or blind shall be issued, on application and payment of fees, to any person who is 18 years of age; has satisfactorily completed a four-year course of study in an accredited college, professional or technical school, or a university or college approved for teacher education; and has graduated with a degree including 10 semester hours of education (with not less than five of these covering principles and methods of teaching the type of handicapped children he is being certified to teach).

(b) Applicants for certificates to teach industrial and special subjects may substitute four years of trade or professional experience or successful teaching experience for college work, but the certificates issued for these industrial and special subjects shall authorize the holder to teach only such subjects in the Texas School for the Deaf or the Texas School for the Blind.

(c) Any teacher, who prior to 1935 had five years of successful teaching experience of particular types of handicapped children or of industrial and special subjects in the School for the Deaf or the School for the Blind, shall be granted a permanent provisional certificate entitling him to teach those types of children or subjects in the Texas School for the Deaf or the Texas School for the Blind.

(d) Any person now holding a valid teacher certificate, or who may hereafter be granted a certificate, may be deemed qualified to teach in the Texas School for the Deaf or the Texas School for the Blind.

**§ 13.14. Alien Teachers**

(a) No certificate of any type shall be issued to an alien unless proper evidence is produced showing his intention to become a naturalized citizen of the United States of America.

(b) It shall be unlawful for any board of trustees of any public school district of this state to contract with any person who is an alien to teach, unless the person has declared his intention to become a citizen of the United States. Except as provided in Subsection (c) of this section, any contract in violation of this provision shall be void and of no effect.

(c) If a like privilege is currently granted by any nation to any teacher designated by the governing body of a school district in this state, Subsection (b) of this section shall not apply to any alien teacher, a subject of that nation, who has been regularly designated by proper authority to serve as an exchange teacher in the United States and to teach in the public schools of Texas for not more than one year.

**§ 13.15. Presentation and Recording of Certificates**

(a) The county superintendent shall keep a record of all certificates held by persons teaching in the public schools of all common school districts, rural high school districts, and independent school districts having less than 150 scholastics (according to the last scholastic census approved by the Central Education Agency) and administered by the laws applicable to common school districts under the jurisdiction of his county.

(b) Any person who desires to teach in a public school of a district as above designated shall present his certificate for record before his contract with the board of trustees of the district shall become binding.

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(c) Any person who desires to teach in a public school of an independent school district having 150 or more scholastics or in an independent school district having less than 150 scholastics but which has elected not to be governed by laws applicable to common school districts shall present his certificate for filing with the employing district before his contract with the board of trustees of the district shall become binding.

(d) A teacher or superintendent who does not hold a valid certificate or emergency permit shall not be paid for teaching or work done before the effective date of issuance of a valid certificate or permit.

**§ 13.16. Cancellation of Certificates**

(a) Any teacher's certificate issued under the provisions of this code or under any previous statute relating to the certification of teachers may be cancelled by the state commissioner of education under any one or more of the following circumstances:

(1) on satisfactory evidence that the holder is conducting his school or his teaching activities in violation of the laws of this state;

(2) on satisfactory evidence that the holder is a person unworthy to instruct the youth of this state; or

(3) on complaint made by the board of trustees that the holder of a certificate after entering into a written contract with the board of trustees of the district has without good cause and without the consent of the trustees abandoned the contract.

(b) Before any certificate shall be cancelled the holder shall be notified and shall have an opportunity to be heard. Any person whose certificate is cancelled by the state commissioner of education shall have the right of appeal to the State Board of Education.

(c) The state commissioner of education shall have the authority, upon the presentation of satisfactory evidence, to reinstate any teacher's certificate cancelled under the provisions of this section. On a refusal of the commissioner so to reinstate a certificate, the applicant shall have the right of appeal to the State Board of Education.

**CHAPTER 14. SCHOLASTIC CENSUS**

**Section**

- 14.01. Definition.
- 14.02. Census Trustee.
- 14.03. Taking the Census.
- 14.04. Further Duties of the Census Trustee.
- 14.05. Supplemental Census.
- 14.06. Census in County-Line Districts.
- 14.07. Duty of the County Superintendent.
- 14.08. Authority of State Commissioner.
- 14.09. Compensation for Census Reports.

**Section 14.01. Definition**

All children over six and under 18 years of age on September 1, the beginning of any scholastic year, shall be included in the scholastic census.

**§ 14.02. Census Trustee**

The county superintendents for school districts under the general administration of their office and the boards of trustees of independent



school districts, on each November 1, or as soon as practicable thereafter, shall appoint one trustee of each school district, or some other qualified person, to take the scholastic census who shall be known as the census trustee of the district. Assistants may be appointed if necessary.

#### § 14.03. Taking the Census

(a) The scholastic census shall be taken between January 1 and February 1 of each year and shall include all then resident children of the district who on the following September 1 will be over six years of age and under 18 years of age.

(b) In taking the census, the census trustee or designated assistant shall visit each home, residence, habitation, and place of abode within his district and shall by actual observation and interrogation enumerate the children thereof.

(c) He shall use for each parent or guardian or person having control of any such children a prescribed form showing:

- (1) the name, color, and nationality of the person controlling such children;
- (2) the name and number of the school district in which the children reside;
- (3) the name, sex, and date of birth of each such child; and
- (4) the street and house number or location of the house or place in which each child resides.

(d) Only the children of the same family shall be listed on one form; and if one person has under his control children of different family names, the census trustee shall use a separate form for each family name.

(e) The census trustee shall require such forms to be subscribed and sworn to on the date of the enumeration by such person rendering the children; the census trustee or his assistant is authorized to administer oaths for this purpose.

(f) When the census trustee (or his assistant) visits any home or house or place of abode of a family and fails to find either the parent or any person having legal control, he shall leave there the prescribed census blank with a note requiring the parent or any person having legal control of any child or children to complete the form, sign and swear or affirm to it, and deliver it to the census trustee.

#### § 14.04. Further Duties of the Census Trustee

(a) The census trustee shall arrange the census forms in alphabetical order, according to the family name of the children reported thereon.

(b) He shall also make, on a prescribed form, census rolls for his district showing:

- (1) the name, age, sex, and race of each child enumerated; and
- (2) the name of the parent, guardian, or person having control of the child.

(c) He shall also make a summary of his rolls showing the number of such children of each race in each scholastic age.

(d) He shall swear to all his rolls and summaries and to the faithful and accurate discharge of his duties.

(e) He shall deliver the rolls, with the forms arranged in alphabetical order, to the county superintendent on or before April 1 after his appointment.

**§ 14.05. Supplemental Census**

(a) Upon certified request of the county superintendent, the state commissioner of education, at district expense, shall require a supplemental scholastic census to be taken whenever an unusual increase in the scholastic population of any school district is caused by the location therein or proximity thereto of camps, reservations, building or dam projects, shipyards, flying fields, training stations, munition works, or other agencies sponsored by federal or state government; or by the production of oil, gas, or other natural resources necessary in the program of the national defense.

(b) In the event this supplemental census shows a substantial increase in scholastic population, the state commissioner of education may approve a supplemental census roll, adding the names of additional eligible scholastics to the rolls of the district.

(c) This supplemental census roll shall be deemed a part of the original census as if it were taken in the last preceding January of the school year and the scholastic apportionment shall be paid in accordance therewith.

(d) Such supplemental census shall be taken not later than January 15 of any fiscal year, and shall include only additional eligible scholastics enrolled and in actual attendance.

(e) No adjustment in scholastic apportionment to a district shall be in an amount more than necessary for the additional expenditure needs of such districts approved by the State Department of Education.

(f) Only one supplemental census annually in any one district shall be authorized by the commissioner of education.

**§ 14.06. Census in County-Line Districts**

(a) The scholastic census of certain county-line districts that are under the general administration of county school authorities shall be taken under the supervision of the county superintendent of the county having jurisdiction of such district; it shall be reported by such county to the State Department of Education as provided by the general law governing the taking of the scholastic census. However, the census trustee taking the census of a county-line district shall make a separate roll of the scholastic population contained in the territory of each county in such district. The separate rolls shall be returned with the general census roll to the county superintendent as provided in Section 14.04 of this code.

(b) The county superintendent of such county having jurisdiction of the county-line district shall make duplicates of these separate census rolls and send appropriate copies to the county superintendent and county treasurer of each such county having territory in the county-line school district to be used by them for the purpose of apportioning the county available school funds.

(c) If a county-line school district, classified as common, has voted a special tax for school maintenance or the payment of interest and sinking fund on school bonds, the county superintendent of each county a part of which is included in the district shall, from time to time as such taxes are collected by his county, draw his warrant in favor of the county treasurer or county depository of the county having jurisdiction of the county-line district and against the county treasurer or county depository of his county for whatever amount of county available school funds accountable to the district and/or special tax, as the case may be, is in the hands of his treasurer or depository. Upon presentation of the warrant,

his treasurer or depository shall pay over to the treasurer named as depository of the county having jurisdiction of such county-line district the sum called for in the warrant, to be credited to the proper account or accounts, as the case may be, of the district. This sum shall be used only as the law provides for different kinds of school funds.

(d) All funds derived from the income of the county permanent school fund of each county embracing territory of any county-line district as apportioned under the provisions of paragraph (b) of this section shall be deposited to the credit of such district and shall be used for such purposes as are provided by law.

#### § 14.07. Duty of the County Superintendent

(a) The rolls and summaries of the census trustee shall be preserved by the county superintendent in his office for three years after they are filed.

(b) The county superintendent shall make on prescribed forms separate, consolidated rolls for the white and colored children of his county, showing:

- (1) the names of the children arranged in alphabetical order, according to their family names;
- (2) the age and sex of each child, together with the number of the district in which he lives; and
- (3) the name of the parent or guardian.

(c) In making the consolidated rolls, the county superintendent shall scrutinize carefully the work of the census trustees and shall have power to summon witnesses, take affidavits, and correct any errors he may find in any census trustee's rolls.

(d) The county superintendent:

- (1) shall carefully exclude any and all duplication of names;
- (2) may investigate for possible omissions by referring to the forms of the previous years which have been preserved for that purpose; and
- (3) may reject, if he deems it necessary, any roll and appoint or direct to be appointed another census trustee to take the census for the district, but in that case he shall not approve the warrant to pay the census trustee whose work has been rejected.

(e) When the county superintendent has prepared his consolidated census rolls, one for each race, he shall make a duplicate of each and shall make affidavit to the correctness of both originals and duplicates.

(f) On or before May 1 of each year the county superintendent shall forward the originals of the consolidated census rolls to the Central Education Agency along with an abstract, on a prescribed form and under oath, showing:

- (1) the number of children of each race of different years of school age;
- (2) the total number of children of each race; and
- (3) the total of both races in the county.

(g) The duplicates of the consolidated census rolls shall be filed with the county clerk and become permanent records of his office.

#### § 14.08. Authority of State Commissioner

The state commissioner of education shall have authority to investigate the census of any county and correct errors. In extreme cases where he believes gross errors have occurred or that fraud has been practiced, he

may, with approval of the State Board of Education, reject any county roll and require the census of the county be retaken.

**§ 14.09. Compensation for Census Reports**

(a) Census trustees shall be compensated for their services on the basis of the number of children of scholastic age listed by them at the rate of:

- (1) 10 cents per capita in county districts;
- (2) 3 cents per capita in towns of 2,500 to 5,000 inhabitants; and
- (3) 2 cents per capita in towns of 5,000 or more inhabitants.

(b) The county superintendent shall receive one cent per capita for the scholastic population reported by him.

(c) Neither the census trustee nor the county superintendent shall be paid until the census of the county is accepted by the state commissioner of education.

(d) The trustee's compensation shall be forfeited if his work is rejected by the county superintendent and the census of the district ordered retaken.

(e) Both the trustee's and the county superintendent's compensation shall be forfeited if the census of the county is rejected by the state commissioner of education and the census is ordered to be retaken.

**CHAPTER 15. STATE FUNDS FOR THE SUPPORT  
OF PUBLIC SCHOOLS**

**Section**

- 15.01. Composition of the Public School Funds.
- 15.02. Investment of Permanent School Fund.
- 15.03. Sale or Exchange of United States Treasury Bonds and Securities, and Municipal Bonds.
- 15.04. Treatment of Premium and Discount.
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- 15.10. Duties of the State Comptroller of Public Accounts.
- 15.11. Duties of the State Treasurer.
- 15.12. Use of Available School Fund.

**Section 15.01. Composition of the Public School Funds**

(a) The permanent school fund, which shall constitute a perpetual endowment for the public free schools of this state, shall consist of:

- (1) all land appropriated for the public schools by the constitution and laws of Texas;
- (2) all the unappropriated public domain remaining in Texas, including all land recovered by the state by suit or otherwise except pine forest land as defined in Section 12, Article 2613, Revised Civil Statutes of Texas, 1925, as amended.

(3) all proceeds from the authorized sale of permanent school fund land, or any portion thereof, surveyed or unsurveyed;

(4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;

(5) all investments (authorized in Section 15.02 of this code) of properties belonging to the permanent school fund; and

(6) all income from the mineral development of land constituting the permanent school fund, including income from mineral development of riverbeds and other submerged land.

(b) The available school fund, which shall be apportioned annually to the several counties of Texas according to the scholastic population of each, shall consist of:

(1) the interest and dividends arising from any securities or funds belonging to the permanent school fund;

(2) all interest derivable from the proceeds of the sale of land set apart for the permanent school fund;

(3) all money derived from the lease of land belonging to the permanent school fund;

(4) all revenue collected by the state from an annual state ad valorem tax of an amount not to exceed 35 cents on the \$100 valuation, exclusive of delinquencies and cost of collection;

(5) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;

(6) \$1 dollar from each poll tax collected by the state, exclusive of cost of collection;

(7) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and

(8) all other appropriations to the available school fund as made or may be made by the legislature for public free school purposes.

#### § 15.02. Investment of Permanent School Fund

(a) In compliance with provisions of this section, the State Board of Education is authorized and empowered to invest the permanent school fund in the types of securities, which must be carefully examined by the State Board of Education and be found to be safe and proper investments for the fund as specified below:

(1) bonds and obligations of the United States and/or of the State of Texas;

(2) obligations and pledges of The University of Texas;

(3) corporate bonds of United States corporations of at least "A" rating;

(4) bonds issued, assumed, or guaranteed by the Inter-American Development Bank;

(5) bonds of counties, school districts, incorporated cities or towns, road precincts, drainage, irrigation, navigation, and levee districts in Texas, under the following rules and regulations:

(A) Such securities, prior to their purchase, must have been diligently investigated by the attorney general of Texas both as to their form and as to their legal compliance with applicable laws;

(B) The attorney general's certificate of validity procured by the party offering such bonds, obligations, or pledges must accompany these securities when they are submitted for registration to the state comptroller, who must preserve the certificates;

(C) Such securities shall be purchased under the provisions of Subsection (b) of this section;

(D) These public securities, if purchased, and when certified and registered as specified above, shall be incontestable unless issued fraudulently or in violation of a constitutional limitation, and the certificates of the attorney general shall be prima facie evidence of the validity of the bonds and coupons thereto; and

(E) After the issuing political subdivision of Texas has received the proceeds from the sales of such public securities, the issuing agency shall be estopped to deny their validity, and the same shall be held to be valid and binding obligations;

(6) preferred stocks and common stocks as the State Board of Education may deem to be proper investments for the permanent school fund, under the following rules and regulations:

(A) In making all such investments the State Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital;

(B) At least a total \$400,000,000 of the permanent school fund shall always be invested in those securities designated in Subdivisions (1) through (5) of this subsection;

(C) Stocks eligible for purchase are restricted to stocks of companies incorporated within the United States which have paid dividends for 10 consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors;

(D) Not more than 50 percent of the permanent school fund shall be invested at any given time in corporate stocks and bonds;

(E) Not more than one percent of the permanent school fund may be invested in securities issued by one corporation nor shall more than five percent of the voting stock of any one corporation be owned;

(F) At the discretion of the State Board of Education, corporate securities of the permanent school fund may be sold and the proceeds reinvested for the fund under the terms of this code; and

(7) notwithstanding any other law or provisions in this code, first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States,<sup>1</sup> as amended from time to time, or in any other first lien real estate mortgage securities guaranteed in whole or in part by the United States Government or any agency thereof.

(b) A 10-day option to purchase must be given to the State Board of Education when any bonds of a public school district of Texas are offered for sale. The State Board of Education must be given a like option to purchase any refunding securities issued in lieu of outstanding securities held for the account of the permanent school fund, which may be redeemed before maturity and which have been called for redemption.

(c) The authorized officer of the offering school district must notify the State Board of Education of all bids received for its offered bonds,

either as first issue or as securities issued in lieu of outstanding bonds held for the account of the permanent school fund.

(d) Before the option to purchase or exchange is exercised, the offered school district bonds must be carefully examined by the State Board of Education and must be found to be safe and proper investment for the fund, and unless satisfied, the board may decline to purchase same. Such offered securities must fulfill the following requirements:

(1) No school district bonds nor other bonds designated in Subsection (a)(5) of this section, shall be purchased unless the annual interest rate is two and one-half percent or more;

(2) No bonds issued by any political subdivision designated in Subsection (a)(5) of this section, shall be purchased if the bond indebtedness, including the security so offered, of the issuing political subdivision exceeds seven percent of the assessed value of all taxable property therein; and

(3) If default is made in the payment of interest due on bonds designated in Subsection (a)(5) of this section, the State Board of Education, at any time prior to the payment of the overdue interest, may elect to treat the principal as also due, and the principal shall, at the option of the board, become due and payable as follows:

(A) Payment of both principal and interest in such cases shall be enforced in any manner provided by law; and

(B) The right to enforce such collection shall never be barred by any law or limitation.

(e) The commissioner of education shall have authority, subject to the approval of the State Board of Education to exercise the option provided for in this section and to exercise a waiver of purchase when the securities offered do not meet eligibility requirements. When and if the commissioner of education exercises the option given by law for the purchase of securities, such exercise shall prevent the sale of the securities to any other party until the State Board of Education, at its next meeting, has had opportunity either to approve or to disapprove such purchase.

(f) If the State Board of Education elects to exercise its option to purchase, it shall order purchase of securities at the price offered by the best bona fide bidder and shall notify and direct the state comptroller to purchase the securities as an investment for the permanent school fund.

(g) If the State Board of Education shall refuse or shall have refused to purchase all or any part of the bonds offered by any such political subdivision, or from the parties to whom the bonds were issued, the offering authority shall sell the bonds to the best bona fide bidder; but the State Board of Education may thereafter purchase such bonds or obligations, subject to the same restrictions provided governing the purchase of such from the political subdivision. When so purchased, such obligations shall be subject to all rights and powers provided by law governing the same when purchased by the State Board of Education from the issuing authority.

1. 12 U.S.C.A. § 1701 et seq.

#### § 15.03. Sale or Exchange of United States Treasury Bonds and Securities, and Municipal Bonds

(a) The State Board of Education may authorize the sale or exchange of any United States Treasury bonds, notes, certificates of indebtedness, or other securities issued by the United States Treasury, and may authorize the sale of any municipal bonds issued by any county, city, precinct,

district, or other political subdivision at any time held by the state treasurer for the account of the permanent school fund, in compliance with the following rules:

(1) None may be sold for a price less than the actual amount of money of the permanent school fund invested in it;

(2) None may be exchanged for a public security having a principal value less than the principal value of the security exchanged; and

(b) In making each and all of such sales the State Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

(c) When any obligations are sold or exchanged as provided in Subsection (a) of this section, the state treasurer shall make delivery of the obligations sold or exchanged in accordance with the directions of the State Board of Education.

#### § 15.04. Treatment of Premium and Discount

(a) If the State Board of Education authorizes the payment of a premium out of the permanent school fund in the purchase of any bond, obligation, or pledge as an investment for that fund, then the principal of such securities and an amount of the interest first accruing thereon equal to the premium so paid shall be treated as principal in such investment, and when the first interest is collected, the amount of the premium shall be returned to the permanent school fund.

(b) If the State Board of Education authorizes the purchase of a public security at less than par, the discount received in the purchase shall be paid to the available school fund when the bonds, obligations, or pledges are paid off and discharged.

#### § 15.05. Prepayment of Certain Bonds Held by the Permanent School Fund

(a) The State Board of Education may authorize the governing body of any school district or political subdivision in Texas to pay off and discharge, at any interest paying date whether the bonds are matured or not, all or any part of any outstanding bond indebtedness now owned or hereafter to be owned by the permanent school fund, under the rules and regulations of this section.

(b) The governing body of the respective political subdivision desiring to pay off and discharge any such bonded indebtedness owned by the fund shall make such desire known by direct application in writing to the State Board of Education, at least 30 days before any interest paying date on the bonds, describing the bonds or part thereof it desires to pay off and discharge. The application shall be accompanied by an affidavit stating that only such tax money as may be collected by virtue of tax levy made for the specific purpose of providing a sinking fund and paying interest on the particular bonds to be redeemed shall be expended in the redemption, taking up, or paying off the bonds.

(c) The State Board of Education upon receipt of such application and affidavit shall take action on them in such manner as it may deem best and notify the applicant whether the application is refused or granted in whole or in part.



(d) It shall be unlawful for any person on whom any duty rests in carrying out the provisions of this section to give or receive any commission, premium, or compensation for the performance of such duty.

(e) Only such tax money as had been collected by virtue of tax levies made for the specific purpose of providing a sinking fund and paying interest on the particular bonds to be redeemed shall be expended in the redemption, taking up, or paying off of such bonds as provided in this section, unless such bonds are being redeemed for the purpose of being re-funded.

**§ 15.06. Default of School District Securities Held by the Permanent School Fund**

(a) If interest and/or principal has not been paid for two years or more on any bonds issued by any school district (city controlled or otherwise) and held by the permanent school fund, the State Board of Education shall have the authority described in this section.

(b) The State Board of Education may compel any such school district to levy a tax sufficient to meet the interest and principal payments as then or later due.

(c) If any such district furnishes to the State Board of Education satisfactory proof that its taxing ability is insufficient, the State Board of Education may require the district to exhaust all legal remedies in collecting taxes then delinquent, and to levy a tax at the maximum lawful rate on the bona fide valuation of taxable property located in the district.

(d) Revenue collected by either method specified in Subsections (b) and (c) of this section shall be distributed proportionately to all owners of the defaulted securities and shall be in compliance with the following rules:

(1) The proportionate share for each owner will be based on the interest and principal requirements of the original security before authorized refunding; and

(2) Prior acceptance of refunding securities will not reduce an owner's proportionate share.

(e) As long as any such school district is delinquent in its payments of principal and/or interest on any of its bonds owned by the permanent school fund, the State Board of Education shall have the authority to specify the method of crediting payments to the state made by the district as to principal and interest.

(f) The comptroller of public accounts shall not issue any warrant from the foundation school fund to or for the benefit of any district which has been for as long as two years in default in the payment of principal or interest on any security owned by the permanent school fund unless and until the State Board of Education certifies that the district has satisfactorily complied with the appropriate provisions of this section, in which event the comptroller shall resume making payments to or for the benefit of the district, including the making of pretermitted payments.

**§ 15.07. Authorized Refunding of Defaulted School Bonds**

(a) In compliance with the provisions of this section, the State Board of Education is authorized to revise, readjust, modify, refinance, or refund defaulted bonds issued by any school district in Texas and owned by either the permanent school fund or the available school fund.

(b) Application must be made to the State Board of Education by the district which issued the bonds and must show that:

(1) delinquent interest totals at least 50 percent of the principal amount of the bonds; and

(2) taxable valuation has decreased to such an extent that a full application of the proceeds of the voted authorized tax authorized to be levied on the \$100 taxable property valuation will not meet interest and principal annually maturing on the bonds.

(c) The State Board of Education may effect a refunding of the debt due and to become due only if the board finds that:

(1) the district is unable to pay the sums already matured and the sums contracted to be paid as they mature by paying annually to the State Board of Education the full proceeds of a 50-cent tax levy on the \$100 of all taxable valuation of property within the district;

(2) the taxable valuation of property in the district has decreased at least 75 percent since the bonds were issued and that the decrease was not caused by the district or any of its officials;

(3) the district for a period of at least five years before applying to the State Board of Education for refunding has levied a tax of 50 cents on the \$100 of taxable valuation of property in the district, and that despite such levies, the aggregate amount due the State Board of Education exceeds the aggregate amount due at the beginning of the period;

(4) no additional bonds of the district have been authorized and sold during the five-year period immediately preceding the application; and

(5) the district has in good faith endeavored to pay its debt in accordance with the contract evidenced by the bonds held for the account of the permanent school fund or the available school fund.

(d) If the conditions specified in Subsection (c) of this section are found to exist, the district shall, for the purposes of this section, be deemed to be insolvent, and the State Board of Education may exchange the bonds, interest coupons, and other evidences of indebtedness for new refunding bonds of the district issued in compliance with the following regulations:

(1) The principal amount of the refunding bonds shall not be less than the total amount of the bonds, matured interest coupons, accrued interest, and interest on delinquent interest then actually due to the permanent school fund and/or the available school fund;

(2) The rate of interest to be borne by the refunding bonds may be lower than that borne by the bonds to be refunded if in consideration of the interest reduction the district agrees to levy a tax each year for a period of 40 years at a rate sufficient to produce annually a sum equal to 90 percent of the amount that can be calculated by the levy of a tax at the rate of 50 cents on the \$100 of taxable valuation of property as determined by the latest approved tax roll of the district, and in determining the rate of interest to be borne by the refunding bonds, the State Board of Education shall be governed by the following:

(A) The State Board of Education is authorized to require the rate to be such percent per annum as in its judgment will represent the maximum rate that can be paid by the district and still permit an orderly and certain retirement of the refunding bonds within 40 years from their date;

(B) The interest rate of refunding bonds to be received in exchange for bonds owned by the permanent school fund shall not be less than the minimum rate at which bonds may then be purchased as investments for the permanent school fund; and

(C) The rate of interest of refunding bonds to be received in exchange for bonds owned by the available school fund may be set by the State Board of Education at any rate which it deems feasible, and such refunding bonds may, at the discretion of the State Board of Education, be made non-interest bearing to such date as may be fixed by the board.

(e) No revision, readjustment, modification, refinancing, or refunding shall be made by the State Board of Education that will release or extinguish any debt or obligation then due and payable to the permanent school fund or to the available school fund.

(f) Except as otherwise provided or permitted by this section, the refunding of the bonds of school districts herein authorized shall be in compliance with the general provisions with regard to the refunding of school district bonds as specified in this code.

#### **§ 15.08. Refunding Other Defaulted Obligations**

(a) Defaulted obligations (other than bonds of school districts as provided in Section 15.07 of this code) due the available school fund may be refinanced or refunded with the approval of the State Board of Education in compliance with the provisions of this section.

(b) "Defaulted obligations," as used herein, shall include delinquent interest whether represented by coupons or not, interest on delinquent interest, and any other form of obligation due the available school fund.

(c) The obligor must make application to the State Board of Education and show:

(1) that the obligations due the available school fund have been in default in whole or in part for a continuous period of at least 15 years; and

(2) that the obligor is not in default in the payment of the principal of any bonds owned by the permanent school fund.

(d) If the State Board of Education finds that the above-specified requirements have been met, it may approve a refinancing or the issuance of refunding bonds on the conditions:

(1) that the refunding bonds must mature serially in not exceeding 40 years from the date of issuance;

(2) that the principal amount of the refunding bonds shall be not less than the total amount of the obligations then in default and due the available school fund;

(3) that the refunding bonds shall bear interest at such rate or rates as may be determined by the State Board of Education to be for the best interest of the available school fund.

(e) The State Board of Education in its discretion is authorized to accept refunding bonds in lieu of either matured or unmatured bonds held for the benefit of the permanent school fund, provided that the rate of interest on the new refunding bonds is at least the same rate as that of the bonds being refunded.

(f) Refunding bonds issued with the approval or pursuant a refunding agreement with the State Board of Education in compliance with either this section or Section 15.07 shall, on the order of the State Board of Ed-

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ucation, be exchanged by the state treasurer for the defaulted obligations they have been issued to refund.

**§ 15.09. Jurisdiction**

The district courts of Travis County shall have jurisdiction of any suit on bonds or obligations belonging to the permanent school fund, or purchased therewith, concurrent with that of any other court having jurisdiction in said case.

**§ 15.10. Duties of the State Comptroller of Public Accounts**

(a) On or before July 1 of each year, the comptroller of public accounts shall estimate the amount of the available school fund receivable from every source during the coming scholastic year and report this estimate to the State Board of Education.

(b) On or before the meeting of each regular session of the legislature, the comptroller of public accounts shall report to the legislature an estimate of the amount of the available school fund to be received for the succeeding two years, and the several sources from which the same accrues, and which may be subject to appropriation for the establishment and support of public schools.

(c) On or before the first working day of each month, the comptroller shall certify to the state commissioner of education the total amount of money collected from every source during the preceding month and on hand to the credit of the available school fund.

(d) On receipt of certificates issued to him by the commissioner of education, the comptroller shall draw his warrants on the state treasurer and in favor of the treasurer (depository) of the available school fund of each school district for the amounts stated in the certificates. All such warrants shall be registered and transmitted to the state treasurer.

**§ 15.11. Duties of the State Treasurer**

(a) At least 30 days before each regular session of the legislature and 10 days before any special session at which there can be legislation respecting the public schools, the state treasurer shall report to the governor the condition of the permanent school fund and the available school fund, the amount of each and the manner of its disbursement.

(b) The treasurer shall provide the State Board of Education with the reports specified in Subsection (a) of this section, and with such additional reports as to those funds which the State Board of Education may request.

(c) The treasurer shall see to it that no portion of either the permanent school fund or the available school fund is used to pay any warrant drawn against any other fund.

(d) The treasurer shall receive and hold in a special deposit and keep account for all properties belonging to the available school fund. All warrants drawn on this fund by the comptroller of public accounts pursuant to certificate of the state commissioner of education must be registered by the state treasurer and then transmitted to the commissioner of education; and when properly endorsed shall be paid by the treasurer in the order of their presentation.

(e) On order of the State Board of Education, the treasurer shall exchange or accept refunding bonds in lieu of:

(1) either matured or unmatured bonds held for the benefit of the permanent school fund, which are being refunded under the terms of this chapter;

(2) defaulted obligations held for the benefit of the available school fund, provided that the refunding bonds are issued in compliance with Section 15.08 of this code;

(3) defaulted obligations of any school district of Texas held for the benefit of the permanent school fund or the available school fund, provided the refunding bonds are issued in compliance with Section 15.07 of this code;

(4) refunding bonds of any school district of Texas for school bonds not matured held by the state treasurer for the permanent school fund, when such new refunding bonds are issued by the school district in compliance with this code.

(f) The state treasurer shall be the custodian of all securities in which the school funds of the state have been or may hereafter be invested, and shall keep the securities in his custody until paid off, discharged, or otherwise disposed of by the proper authorities of the state, and on the proper installment of any interest or dividend, shall see that the proper credit is given, and the coupons on bonds, when paid, shall be properly separated therefrom and cancelled by the treasurer.

#### § 15.12. Use of Available School Fund

(a) All available public school funds of Texas shall be appropriated in each county for the education of its children.

(b) No part of the permanent school fund or the available school fund shall be appropriated or used for the support of any sectarian school.

**CHAPTER 16. FOUNDATION SCHOOL PROGRAM**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section**

- 16.01. Purpose.
- 16.02. Disposition of Money Appropriated.
- 16.03. Status of Private and Parochial Schools.

[Sections 16.04–16.06 reserved for expansion]

**SUBCHAPTER B. CLASSIFICATION OF PROFESSIONAL POSITIONS AND SERVICES**

- 16.07. Classification.

[Sections 16.08–16.10 reserved for expansion]

**SUBCHAPTER C. PROFESSIONAL UNITS**

- 16.11. Professional Units—Allotment—General Rules.
- 16.12. Professional Units—Allotment Formulas.
- 16.13. Classroom Teacher Units.
- 16.14. Vocational Teacher Units.
- 16.15. Special Service Teacher Units.
- 16.16. Exceptional Children Teacher Units.
- 16.17. Supervisor and/or Counselor Units.
- 16.18. Principal Units.
- 16.19. Superintendent Unit.
- 16.20. Professional Units, Combined ADA.
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[Sections 16.22–16.30 reserved for expansion]

**SUBCHAPTER D. SALARIES**

- 16.31. Minimum Salary Rules.
- 16.32. Classroom Teachers.
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- 16.36. Supervisors and/or Counselors.
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- 16.40. Professional Salaries—Total Cost.

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**SUBCHAPTER E. CURRENT OPERATING COST**

- 16.45. Current Operating Cost.

[Sections 16.46–16.50 reserved for expansion]

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- 16.51. Transportation Services.
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**SUBCHAPTER G. FINANCING THE PROGRAM**

- 16.71. Financing—General Rule.
- 16.72. Total Amount Chargeable to Districts.
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- 16.79. Administration of Foundation School Program.
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**SUBCHAPTER I. SUPPLEMENTAL STATE SALARY  
AID TO SCHOOL DISTRICTS**

- 16.98. Supplemental State Salary Aid.

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section 16.01. Purpose**

The purpose of the Foundation School Program is to guarantee to each child of school age in Texas the availability of a Minimum Foundation School Program for nine full months of the year and to establish the eligibility requirements for the public school districts of Texas in connection therewith.

**§ 16.02. Disposition of Money Appropriated**

Appropriations enacted by the legislature for the promotion of the educational opportunities afforded by this state under this Foundational School Program shall be paid in accordance with the requirements and in the manner provided in this chapter.

**§ 16.03. Status of Private and Parochial Schools**

No provision of this chapter shall be interpreted inimically to the status previously enjoyed by the private or parochial schools operating in this state.

[Sections 16.04–16.06 reserved for expansion]

**SUBCHAPTER B. CLASSIFICATION OF PROFESSIONAL POSITIONS AND SERVICES**

**§ 16.07. Classification**

To effectuate the Foundation School Program here guaranteed, school districts are authorized to utilize the following professional positions, or units, and services:

- (1) professional positions;
  - (A) classroom teachers;
  - (B) vocational teachers;
  - (C) special service teachers, among which shall be included librarians, school nurses, school physicians, visiting teachers, and itinerant teachers;
  - (D) teachers of exceptional children;
  - (E) supervisors and/or counselors;
  - (F) principals, part-time;
  - (G) principals, full-time;
  - (H) superintendents; and
- (2) services:
  - (A) Current operating cost other than professional salaries and transportation; and
  - (B) transportation.

[Sections 16.08–16.10 reserved for expansion]

**SUBCHAPTER C. PROFESSIONAL UNITS**

**§ 16.11. Professional Units—Allotment—General Rules**

(a) The total number of professional units allotted to each district shall be the sum of the professional units, hereinafter prescribed, for classroom teachers, vocational teachers, special service teachers, teachers



of exceptional children, supervisors and/or counselors, full-time and/or part-time principals, and superintendents.

(b) Such professional unit allotments shall be contingent upon the employment of qualified personnel and upon the payment of not less than the minimum salary as prescribed in this chapter.

(c) No district will be required to employ professional personnel for the full number of professional units for which it is eligible, but where a fewer number are employed, grants shall be based upon the number actually employed during the current school year; and

(d) The number of professional units allotted for the purpose of this program to each school district, except as otherwise provided herein, shall be based upon and determined by the average daily attendance for the district for the next preceding school year.

(e) Separate allotments may be made for whites and Negroes.

(f) Where a school district is consolidated or contracted with another district, or annexed in whole or part to another district or districts, or where the number of grades taught has been reduced, or where the scholastics are transferred to another district, or where there is an annual fluctuation in the attendance in the district, or where for any reason there is a marked increase or decrease in the attendance of any school district, adjustments in professional allotments shall be made by the state commissioner of education subject to the applicable rules and regulations of the State Board of Education.

(g) Attendance in grades not classified to be taught by the county school board shall not be included in determining professional unit eligibility.

(h) Attendance of non-resident scholastics whose grades are taught in their home districts shall not count for teacher eligibility, unless the transfer of such scholastics has been approved by the county school board and the state commissioner of education.

(i) Any school district which is not dormant as defined in Section 16-80 of this code may, with approval of the boards of trustees of the districts concerned, the county school superintendent, and the state commissioner of education, contract for a period of one year to transfer its entire scholastic enrollment, both white and colored, to a contiguous district. The scholastic census rolls of both districts shall be combined, the per capita apportionment paid directly to the receiving district, and the combined average daily attendance used in determining the number of professional units for which the receiving district shall be eligible.

(j) Any school district containing 100 square miles or more and having fewer than one pupil per square mile, and which operates and maintains a four-year accredited high school, may be allotted by the state commissioner of education the number of professional units determinable as earned by the application of a sparse-area formula approved by the State Board of Education. The state commissioner of education shall consider in making such allotments the density and distribution of population in the district, road conditions, and the proximity of the school to another four-year accredited high school.

(k) In determining the number of professional units allotted to each school district in the foundation school program, the attendance of orphan, dependents, or neglected children who are wards of the state shall be considered eligible average daily attendance in the receiving school district or districts to which these children are transferred after approval by the county school board and the state commissioner of education.

**§ 16.12. Professional Units—Allotment Formulas**

(a) Subject to the general rules set out in Section 16.11 of this code, the number of professional units for each district shall be determined as prescribed in the succeeding sections of this subchapter.

**§ 16.13. Classroom Teacher Units**

Classroom teacher professional units for each school district, which may be separate for whites and Negroes, shall be determined, and teachers allotted in the following manner:

(1) To school districts having fewer than 15 pupils in average daily attendance, no classroom teacher unit, except that in cases of extreme hardship, such districts may be allotted on a year-to-year basis one classroom teacher unit if so recommended by the county school board and approved by the state commissioner of education;

(2) To school districts having from 15 to 25 pupils, inclusive, in average daily attendance, one classroom teacher unit;

(3) To school districts having from 26 to 109 pupils, inclusive, in average daily attendance, two classroom teacher units for the first 26 pupils and one classroom teacher unit for each additional 21 pupils (no credit to be given for fractions);

(4) To school districts having from 110 to 156 pupils, inclusive, in average daily attendance, six classroom teacher units;

(5) To school districts having from 157 to 444 pupils, inclusive, in average daily attendance, one classroom teacher unit for each 24 pupils, or fractional part thereof in excess of one-half;

(6) To school districts having from 445 pupils to 487 pupils, inclusive, in average daily attendance, 19 classroom teacher units;

(7) To school districts having from 488 to 1,512 pupils, inclusive, in average daily attendance, one classroom teacher unit for each 25 pupils, or fractional part thereof in excess of one-half;

(8) To school districts having from 1,513 to 1,599 pupils, inclusive, in average daily attendance, 61 classroom teacher units;

(9) To school districts having 1,600 or more pupils in average daily attendance, one classroom teacher unit for each 26 pupils, or fractional part thereof in excess of one-half; and

(10) To school districts which operate and have operated at least three consecutive years a four-year accredited high school and having an average daily attendance range between 84 and 156 for the immediate preceding year, the number of professional units shall be based and allotted as follows:

(A) A district having from 84 to 106 pupils, inclusive, in average daily attendance, shall be allotted six classroom teacher units;

(B) A district having 107 to 156 pupils, inclusive, in average daily attendance, shall be allotted seven classroom teacher units.

**§ 16.14. Vocational Teacher Units**

(a) Vocational teacher professional units for each school district, which may be separate for whites and Negroes, shall be determined and teachers allotted as prescribed in this section and, except for classroom teachers who also serve as part-time vocational teachers, shall be made in addition to other professional allotments.

(b) Each four-year accredited high school shall be eligible, subject to the provisions of the state plan for vocational education as approved by

the State Board for Vocational Education, for two vocational teacher units to teach one or more necessary vocational programs, approved by the state commissioner of education, in agriculture, home economics, trades and industries, or distributive education.

(c) Additional vocational teacher units for four-year accredited high schools may be allotted according to needs determined by a survey of the community and approved by the state commissioner of education.

(d) Each unaccredited high school and each high school classified lower than a four-year high school may be eligible, according to provisions of the state plan for vocational education, for vocational teacher units to teach one or more vocational programs in agriculture, home economics, trades and industries, and distributive education in a number to be determined by the state commissioner of education.

(e) A district having either an accredited or unaccredited high school which qualifies, according to the state plan for vocational education, for less than one vocational agriculture, home economics, trades and industries, or distributive education teacher unit, may be allotted by the state commissioner of education a fractional part of a nine-month vocational teacher professional unit. A fractional part of a vocational teacher professional unit shall entitle a district to employ a part-time vocational teacher or to assign a classroom teacher to serve as part-time vocational teacher.

#### § 16.15. Special Service Teacher Units

(a) Special service teacher professional units for each school district, which may be separate for whites and Negroes, shall be based upon the number of approved classroom teacher units, and shall be determined and teachers allotted, in addition to other professional unit allotments, in the manner prescribed by this section.

(b) Districts which have 20 or more approved classroom teacher units shall be eligible for one special service teacher unit for each 20 classroom teacher units, no credit to be given for fractions.

(c) Districts not eligible for a full special service teacher unit may enter by vote of their respective boards of trustees, into one cooperative agreement to provide special service teachers, as prescribed in subsection (b) of this section, to be recommended and supervised by the county school superintendent, and employed by the county school board. The state commissioner of education shall, upon the county superintendent's certification of such agreement, allot to each district party thereto a fractional part of a special service teacher unit, said fraction to be not greater than the number of approved classroom teacher units for that district divided by 20.

(d) School districts may choose from the five types of special service teacher units listed in Section 16.07(1)(C) of this code the number of each classification that it desires, to the extent of total eligibility for such units, but the allocation of special service teacher units shall not preclude the assignment of classroom teachers to special service duties. The state commissioner of education shall establish qualifications for special service teachers which shall be subject to regulations made by the State Board of Education.

#### § 16.16. Exceptional Children Teacher Units

(a) Exceptional children teacher units, special or convalescent, for each school district, which may be separate for whites and Negroes, shall

be allotted, in addition to other professional unit allotments, as prescribed by this section.

(b) The purpose of this allotment of exceptional children units is to provide competent educational services for the exceptional children in Texas between and including the ages of six and 21 (except as otherwise provided in this section for emotionally disturbed children) for whom the regular school facilities are inadequate or not available.

(c) As used in this chapter:

(1) "Exceptional children" means physically handicapped, mentally retarded and/or emotionally disturbed children.

(2) "Physically handicapped child" means any child or educable mind whose body functions are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools without the provision of special services.

(3) "Mentally retarded child" means any child whose mental condition is such that he cannot be adequately educated in the regular classes of the public schools without the provision of special services.

(4) "Emotionally disturbed child" means any child 17 years of age or under, whose emotional condition is medically determined and psychologically determined to be such that he cannot be adequately educated in the regular classes of the public schools without the provision of special services; but no such child shall receive special services provided herein without the consent of his parent or guardian.

(5) "Special services" means transportation, special teaching in the public school curriculum, corrective teaching (such as lipreading, speech correction, sight conservation, and corrective health habits), the provision of special seats, books and teaching supplies, equipment, and like services required for the instruction of exceptional children.

(d) The state wide total of all classroom teacher units allotted for emotionally disturbed children each year shall be limited to 20 classroom teacher units per year. It is the intention of the legislature that these 20 classroom teacher units per year be allocated as a pilot study only, to ascertain the most practical and effective means of educating emotionally disturbed children.

(e) In any school district where the parents of the required number of any type of exceptional children, or types which may be taught together, petition the governing board of that district for a special class, it shall be the duty of such board to request the state commissioner of education to cooperate in the establishment of such class or classes. The state commissioner of education shall allot to such district a number of exceptional children teacher units to operate special or convalescent classes for exceptional children within the district pursuant to rules and regulations adopted by the State Board of Education.

(f) Districts not eligible for a full exceptional children teacher unit may enter, by vote of their respective governing boards, into one cooperative agreement to provide exceptional children teacher units approved by the county superintendent. The teacher for an exceptional children teacher unit shall be employed by the governing board of the district in which the class is to be taught, and such unit shall be administered solely and exclusively by the superintendent of such district. The state commissioner of education, upon the county superintendent's certification of the agreement, shall allot to each district party thereto a fractional part

of an exceptional teacher unit, provided that the sum of such units so allotted shall not be greater than the number of units for which said district would be eligible if no cooperative agreement existed.

(g) Whenever property has been donated to a district or whenever a district has been granted the right to use certain property for the education of exceptional children as provided in this chapter, the benefits of this law shall be extended to such exceptional children educated on such property under the supervision of the school district owning or having the right to use such property whether or not such property is located within the confines of the district. In no event, however, shall a district operate such schools on property located more than one mile beyond the boundary lines of the district whether the schools are located within this state or not.

(h) No person shall be employed to teach any class for exceptional children unless he possesses a valid teacher certificate and such training as the state commissioner of education may require.

#### § 16.17. Supervisor and/or Counselor Units

(a) The state commissioner of education shall establish, subject to regulations by the State Board of Education, qualifications for supervisors and counselors. Supervisor and/or counselor professional units for each school district, which may be separate for whites and Negroes, shall be determined and supervisor and/or counselor units allotted, in addition to other professional unit allotments, as prescribed by this section.

(b) The basic allotment shall be one supervisor or counselor unit for the first 40 classroom teacher units and one supervisor or counselor unit for each additional 50 classroom teacher units, or major fractional part thereof. If a district is eligible for one such unit, the district may employ for such unit either a supervisor or a counselor, but not both. If a district is eligible for two or more such units, the district may employ supervisors only, counselors only, or a combination of the two to the extent of total eligibility.

(c) Districts having fewer than 40 classroom teacher units may enter, by vote of their respective governing boards, into one cooperative agreement to provide supervisors and/or counselors to be recommended and supervised by the county superintendent and employed by the county school board. Under such agreements the combined classroom teacher units of the cooperating districts shall be used in calculating eligibility for supervisor and/or counselor units, but if the county employs a supervisor from the county administrative funds, 40 classroom teacher units shall be deducted from the combined total. The state commissioner of education shall, upon the county superintendent's certification of such agreement, allot to each district party to such agreement a fractional part of a supervisor or counselor unit, said fraction to be not greater than the number of approved classroom teacher units for that district divided by 40.

#### § 16.18. Principal Units

(a) Principal units shall be of two types: full-time principal units and part-time principal units. A part-time principal unit shall entitle a district to assign a classroom teacher to serve as a part-time principal and to receive an additional salary allowance as hereinafter provided in this chapter.

(b) The principal unit allotment as hereinafter provided shall be based upon the number of approved classroom teacher units and shall be made in addition to other professional unit allotments. Principal units for each school district, which may be separate for whites and Negroes, shall be determined and allotted as prescribed in this section.

(c) No district having fewer than three approved classroom teacher units shall be eligible for a principal allotment.

(d) To districts having from three to 19 classroom teacher units and not having an accredited four-year high school, one part-time principal unit shall be allotted.

(e) To districts having from nine to 19 classroom teacher units and having a four-year accredited high school, two part-time principal units shall be allotted. Additional part-time principal units shall be allotted, if necessary, to the extent that at least one part-time principal will be available for each campus on which a school with more than two classroom teachers is operated in the district.

(f) To districts having 20 or more approved classroom teacher units there shall be allotted one full-time principal unit for the first 20 classroom teacher units and one full-time principal unit for each additional 30 classroom teacher units, but fractions shall not be considered in computing principal allotments.

(g) Part-time principal units, in addition to full-time principal unit allowances provided above, shall be allowed as follows: one from the first 20 classroom teachers, and one from each additional 30 classroom teachers. Service as part-time principal shall be in addition to part-time classroom duties. Those so designated shall receive an additional allowance as hereinafter provided in this chapter. Additional part-time principal units shall be allotted, if necessary, to the extent that at least one full-time or part-time principal will be available for each campus on which a school with more than two classroom teachers is operated in the district.

#### § 16.19. Superintendent Unit

(a)<sup>1</sup> Superintendents shall serve the entire school district. Allotments for superintendent units as provided for herein shall be made in addition to other professional unit allotments. Superintendent units for each district shall be determined and allotted in the following manner: A district having one or more four-year accredited high schools shall be eligible for one superintendent allotment. A district which does not have a four-year accredited high school shall not be eligible for a superintendent allotment.

1. There is no paragraph (b) in the enrolled bill.

#### § 16.20. Professional Units, Combined ADA

For purposes of determining professional units allotment under provisions of this chapter, the Central Education Agency may combine a district's average daily attendance upon request being made by the district timely pursuant to agency instructions.

#### § 16.21. Professional Units, Current ADA

(a) In addition to the allocation of professional units as otherwise prescribed in this chapter, there shall be allotted to any district, which

desires to and does report current-year increases in average daily attendance, additional units on such increase basis provided:

(1) the district submits its request-report with the Central Education Agency on or before July 1 of each school year; and

(2) the request shows the average daily attendance earned during the then current year.

(b) Adjustments in classroom teacher and other professional units and the attendant operational allotments shall be made to such districts on the basis of the formulas set out in this Chapter.

[Sections 16.22 to 16.30 reserved for expansion]

#### SUBCHAPTER D. SALARIES

##### § 16.31. Minimum Salary Rules

(1) Beginning with the school year 1967–1968, the governing board of each and every school district in the state shall pay teachers upon a salary schedule providing a minimum beginning base salary, plus increments above the minimum for additional experience in teaching. The schedule shall be based on the rules prescribed in this subchapter.

(b) The salaries fixed herein shall be regarded as minimum salaries only and each district may supplement them.

(c) All teachers and administrators shall have a valid Texas certificate.

(d) Salary increments for college training shall be based upon training received at a college recognized by the state commissioner of education for the preparation of teachers.

(e) Payment of at least the minimum salary schedule provided herein shall be a condition precedent to a school's participation in the foundation school fund and its name being placed or continued upon the official list of affiliated or accredited schools.

(f) The annual salaries as provided herein may be paid in 12 payments at the discretion of the local school board.

(g) None of the provisions of this subchapter shall apply to teachers in distributive adult education.

(h) The salary of each professional position shall be determined as provided in this subchapter.

##### § 16.32. Classroom Teachers

(a) The annual salary of classroom teachers shall be the monthly base salary, plus increments, multiplied by nine; but if the length of the school term is less than nine months, the annual salary shall be such base salary and increments multiplied by the number of months in the term.

(b) The minimum base pay for a classroom teacher who holds a bachelor's degree and no higher degree shall be \$526 per month. Thirteen dollars per month shall be added for each year of teaching experience, not to exceed \$130 per month.

(c) The minimum base pay for a classroom teacher who has less than a bachelor's degree shall be \$348 per month. Thirteen dollars per month shall be added for each year of teaching experience, not to exceed \$117 per month.

(d) The minimum base pay for a classroom teacher who holds a master's degree shall be \$560 per month. Thirteen dollars per month shall be added for each year of teaching experience, not to exceed \$208 per month.

**§ 16.33. Vocational Teachers**

(a) The minimum monthly base pay and increments for teaching experience for a vocational teacher conducting a 9, 10, or 12 month vocational program approved by the state commissioner of education shall be the same as a classroom teacher's. But vocational trade and industrial teachers having qualifications approved by the State Board for Vocational Education shall be eligible for the minimum monthly base pay for a classroom teacher holding a recognized bachelor's degree.

(b) The annual salary of vocational teachers shall be the monthly base salary, plus increments, multiplied by 9, 10, or 12, as applicable.

(c) Minimum salaries prescribed above for vocational teachers envision total salaries received for public school instruction, whether paid out of state and/or federal funds.

(d) Expenses where allowable shall be paid from a separate vocational fund but no such expense shall be counted as part of the cost of the Foundation School Program.

**§ 16.34. Special Service Teachers**

(a) The minimum monthly base salary and increments for teaching experience for special service teachers shall be the same as a classroom teacher's.

(b) The annual salary of such teachers shall be monthly base salary plus increments, multiplied by nine.

(c) A registered nurse shall be considered, for the purpose of computing salaries, as having a bachelor's degree.

(d) A librarian having a recognized certificate or degree based upon five years of recognized college training therefor shall be considered as having a master's degree.

**§ 16.35. Teachers of Exceptional Children**

The minimum monthly base salary and increments for teaching experience for teachers of exceptional children shall be the same as a classroom teacher's. The annual salary of such teachers shall be the monthly base salary, plus increments, multiplied by nine; but if the state commissioner of education approves such a unit for more than nine months, the annual salary shall be the monthly base salary, plus increments, multiplied by the approved number of months.

**§ 16.36. Supervisors and/or Counselors**

The minimum monthly base salary and increments for teaching experience for supervisors or counselors shall be the same as a classroom teacher's, plus \$30 per month. The annual salary for such supervisors or counselors shall be the monthly base salary, plus increments, multiplied by 10.

**§ 16.37. Principals**

(a) The minimum monthly base salary and increments for teaching experience for full-time principals shall be the same as a classroom teacher's, plus 20 percent as an administrative increment. The annual salary for such full-time principals shall be the monthly base salary, plus increments, multiplied by 11.

(b) In an independent school district in which no four-year accredited high school operates and having an average daily attendance in excess of



500 students the preceding school year, the full-time principal who must perform the same duties assigned a superintendent shall be paid on the same monthly basis as prescribed above for a full-time principal and his annual salary as such shall be the monthly base salary, plus increments, multiplied by 12. In such districts in addition to the full-time principal there shall be allotted two part-time principals who shall be paid on the same basis as provided below for part-time principals.

(c) On a campus to which are assigned seven or more classroom teacher units, the designated classroom teacher who serves as part-time principal shall be paid an additional monthly salary allowance of 15 percent of his salary. The annual salary for such part-time principals shall be the monthly base salary, plus increments, multiplied by nine and one-half.

(d) In a district which operates a two-year accredited high school district and is not an accredited four-year high school district, the part-time principal who serves as head-principal shall be paid on the same monthly salary basis and for the same number of months as provided for full-time principal.

(e) On a campus to which are assigned three to six inclusive, classroom teacher units, the designated classroom teacher who serves as part-time principal shall be paid an additional monthly salary allowance of eight percent of his salary. The annual salary for such part-time principals shall be the monthly base salary, plus increments, multiplied by nine. Part-time principals under this subsection shall be designated "head teacher." In addition to the allotment of other part-time principals an accredited high school with fewer than nine classroom teacher units shall be granted one head teacher.

#### § 16.38. Superintendents

(a) The minimum monthly base salary and increments for teaching experience for superintendents shall be the same as a classroom teacher's plus an administrative increment dependent upon the number of classroom teacher units for which the district is eligible, as follows:

- (1) for fewer than 16 units, 20 percent;
- (2) for 16 to 49 units, 25 percent;
- (3) for 50 to 99 units, 30 percent;
- (4) for 100 to 149 units, 35 percent; and
- (5) for 150 or more units, 40 percent.

(b) The annual salary for superintendents shall be the monthly base salary, plus increments, multiplied by 12.

#### § 16.39. Certified Teachers Holding Law Degree

Beginning with the school year 1967-1968, any person certified to teach in the public schools of Texas who holds a bachelor of laws or doctor of jurisprudence degree from an accredited law school shall have his minimum salary calculated on the basis of a master's degree.

#### § 16.40. Professional Salaries—Total Cost

The total cost of professional salaries of positions allowable for purposes of this chapter shall be determined by application of the salary schedules to the total number of approved professional units, provided that such professional units are serviced by approved professional employees.

[Sections 16.41-16.44 reserved for expansion]

**SUBCHAPTER E. CURRENT OPERATING COST**

**§ 16.45. Current Operating Cost**

(a) <sup>1</sup> The total current operating cost for each school district, other than professional salaries and transportation, shall be determined by multiplying the number of approved classroom teacher units and exceptional children teacher units by \$600, and grants therefor shall be allotted, subject to the following exceptions where grants therefor shall be allotted and determined as follows: With respect to exceptional children teacher units for the pilot program for emotionally disturbed children's program, the total current operating cost shall be determined by multiplying the number of eligible children in each classroom unit by \$200; but where such units are located in cooperation with hospital facilities, the allocation shall be \$600 for each such unit.

1. There is no paragraph (b) in the enrolled bill.

[Sections 16.46–16.50 reserved for expansion]

**SUBCHAPTER F. TRANSPORTATION SERVICES**

**§ 16.51. Transportation Services**

Transportation services shall be provided and allotments therefor shall be determined according to the provisions of this subchapter.

**§ 16.52. Public School Transportation System**

(a) The county school boards of the several counties of this state, subject to approval by the state commissioner of education, are authorized to establish and operate an economical public school transportation system within their respective counties.

(b) In establishing and operating such transportation systems, the county school boards shall:

- (1) requisition buses and supplies from the state board of control as provided for in this subchapter;
- (2) prior to June 1 of each year, with the commissioner's approval, establish school bus routes within their respective counties for the succeeding school year;
- (3) employ school bus drivers; and
- (4) be responsible for the maintenance and operation of school buses.

**§ 16.53. County and District Transportation Funds**

(a) State warrants for transportation, payable to the county school transportation fund in each county, shall be for the total amount of transportation funds for which the county is eligible under the provisions of this subchapter.

(b) When requested by the board of trustees of an independent school district, the county school board shall authorize such independent district to:

- (1) employ its school bus drivers;
- (2) be responsible for the maintenance and operation of its school buses; and
- (3) receive transportation payments directly from the state.

(c) When the county superintendent reports such authorization to the state commissioner of education, state warrants for transportation funds for which the district is eligible shall be made payable to the district transportation fund, which is hereby created.

#### § 16.54. Use of Buses for Extracurricular Activities, Etc.

The county school boards and the state commissioner of education shall promulgate regulations in regard to the use of school buses, for other than transporting eligible children to and from school. Under rules and regulations of the State Board of Education, the appropriate district allocation in the county transportation fund, when approved by the county school board, or the district transportation fund, when approved by the board of trustees of the independent school district operating its own transportation system, may be used for school bus transportation of its pupils and necessary personnel on extracurricular activities and field trips sponsored by the respective district.

#### § 16.55. Approved School Bus Routes

School buses shall be operated to and from school upon approved school bus routes and no variations shall be made therefrom. The penalty for varying from authorized routes and for unauthorized use of buses shall be the withholding of transportation funds from the offending county or school district. In the event the violation is committed by a district which receives no Foundation School Program Funds, the penalty provisions of Section 4.18 of this code shall be applied.

#### § 16.56. Calculation of Allotment

(a) The total annual regular transportation cost allotment for each district or county shall be based upon the rules and formulas of this section.

(b) A typical bus route is defined as being from 45 to 55 miles of daily travel and composed of 60 percent surfaced roads and 40 percent dirt roads, over which 15 or more pupils who live two or more miles from school are transported.

(c) Allowable total base costs of maintenance, operation, salaries, depreciation, etc., for each bus shall be:

72 capacity bus	\$2,730 per year
60-71 capacity bus	\$2,630 per year
49-59 capacity bus	\$2,530 per year
42-48 capacity bus	\$2,430 per year
30-41 capacity bus	\$2,330 per year
20-29 capacity bus	\$2,230 per year
15-19 capacity bus	\$1,830 per year

(d) The capacity of a bus means the number of eligible children being transported who live two or more miles from school along the approved route served by the bus. A bus that makes two or more routes or serves two or more schools shall be considered as having a capacity equal to the largest number of eligible children on the bus at any one time.

(e) For each one percent increase of dirt road above 40 percent, one-half of one percent shall be added to the allowable total cost.

(f) For each five miles (or major fraction thereof) increase in daily bus travel above 55 miles, one percent shall be added to the total cost of operation. For each five miles (or major fraction thereof) less than 45

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miles daily travel, one percent shall be deducted from the total cost of operation.

(g) The state commissioner of education may grant not to exceed \$75 per pupil per year for private or commercial transportation for eligible pupils from isolated areas. The need for this type of transportation grant shall be determined on an individual basis and the amount granted shall not exceed the actual cost. Such grants shall be made only in extreme hardship cases, and no such grants shall be made if the pupils live within two miles of an approved school bus route or city public transportation service.

**§ 16.57. Routes and Systems: Evaluation and Approval**

(a) All bus routes and transportation systems shall be reviewed by the state commissioner of education and he shall be responsible for establishing criteria for evaluating the several transportation systems of this state, but all such criteria shall be subject to approval by the State Board of Education.

(b) The commissioner shall evaluate all transportation systems as rapidly as possible.

(c) No new bus routes or extensions shall be approved prior to the survey of the transportation system of the district or county requesting them.

(d) In cities having a public transportation service, no child residing within the city limits shall be eligible for transportation at state expense unless he resides more than two miles, measured by the nearest practical route, from the service.

(e) Extension of a city's boundaries for city purposes only, after June 8, 1949, so as to include within the city boundaries part of a school district into which public transportation lines or facilities are then operated shall not affect the district's eligibility for transportation aid. Rather, all such districts shall be entitled to receive transportation aid under the provisions of this chapter, if otherwise qualified, to the same extent as if no part thereof had been annexed by the city and its public transportation lines had not operated therein.

(f) In approving a transportation system for a district or county, consideration shall be given to providing transportation for only those pupils who live two or more miles from the school they attend, but no consideration shall be given to providing transportation for pupils transferred from one district to another when their grades are taught in their home district unless transferred as provided by law and transportation has been approved by the county school board as provided by law.

(g) There shall be no duplication of bus routes and services within sending districts by buses operated by two school districts and/or counties except upon approval by the state commissioner of education.

**§ 16.58. Use of Transportation Funds for Other Purposes**

No funds paid to the several transportation units for the operation of transportation systems in this state shall be expended for any other purpose.

**§ 16.59. Rules of Commissioner**

The Commissioner of Education shall formulate rules and regulations, subject to approval by the State Board of Education for enforcing the provisions of this subchapter.

**§ 16.60. Appeals**

Appeals to the commissioner of education and to the State Board of Education may be had from policy decisions of the county school boards affecting transportation.

**§ 16.61. Purchase of Vehicles**

(a) Motor vehicles used for the purpose of transporting school children, including school buses, their chassis and/or bodies purchased through the state board of control, shall be paid for by the state board of control as set out in applicable laws. The Legislature may appropriate out of any money in the state treasury not otherwise appropriated a sum not exceeding \$250,000, or so much thereof as necessary, for the state board of control to be used for such purposes.

(b) Any such sum appropriated shall be known as the school bus revolving fund. When motor vehicles and school buses are delivered to the various schools coming within the provisions of this chapter, the governing bodies of such schools shall reimburse the state board of control for the money expended for such school buses including their chassis and/or bodies and the money shall be deposited by the state board of control in the school bus revolving fund.

**§ 16.62. Transportation Allotment for Exceptional Children Program**

(a) An annual transportation cost allotment for each district operating an approved exceptional children program shall be computed and paid from the Foundation School Program Fund on a per capita basis as provided by this section.

(b) For physically and/or orthopedically handicapped children, visually handicapped children with conditions making impractical the use of public transportation, deaf children, and/or trainable mentally retarded children, the transportation allotment shall be \$150 per exceptional child receiving such transportation, provided the district locally determines and certifies subject to the approval of the state commissioner of education that the pupil:

(1) is unable to utilize existing regular transportation services; and

(2) would be unable to attend the exceptional children class unless such special transportation is provided.

(c) Allotments granted under this section shall be:

(1) used only for transportation purposes of children enrolled in a district-operated exceptional children program;

(2) deposited in the district's exceptional transportation fund; and

(3) accounted for separately from regular transportation funds.

**§ 16.63. Contract With Public Transportation Company**

(a) As an alternative to maintaining and operating a complete public school transportation system under this subchapter, and if the respective governing board is able to obtain an economically advantageous contract, a county school board for its transportation system or a board of trustees of an independent school district which has been authorized to be responsible for the maintenance and operation of its school buses may contract with public transportation companies for all or any part of its public school transportation.

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(b) A contract is economically advantageous if the cost of the service contracted for is less than the projected cost of the same service as otherwise provided in this subchapter.

(c) The state commissioner of education, subject to the approval of the State Board of Education, shall make rules for the administration of this section.

(d) Contracts for public school transportation may include provisions for transporting students to and from approved school activities.

(e) Upon approval of the contract by the State Board of Education, the contract price for the service shall be included in the annual transportation cost allotment for the respective county or district.

[Sections 16.64–16.70 reserved for expansion]

**SUBCHAPTER G. FINANCING THE PROGRAM**

**§ 16.71. Financing—General Rule**

The sum of the approved salaries for professional positions, the current operating cost other than professional salaries and transportation, and cost of transportation service of each district, computed and determined in accordance with the provisions of this chapter, shall constitute the total cost of the Foundation School Program, which program shall be financed by:

- (1) an equalized, local school district effort to the extent hereafter provided for the support of this program;
- (2) distribution of the state and county available school funds based on the number of scholastics; and
- (3) allocation to each local district a sum of state money appropriated for the purposes of public school education and sufficient to finance the remaining costs of the Foundation School Program in that district, which sum shall be computed and determined in accordance with the provisions of this subchapter.

**§ 16.72. Total Amount Chargeable to Districts**

The sum of the amounts to be charged for the 1967–1968 school year to local school districts for the support of the Foundation School Program shall be \$154,800,000. For the 1968–1969 school year, and for each year thereafter, the sum of the amounts to be charged to local school districts for the support of the Foundation School Program shall be 20 percent of the estimated total cost of the Foundation School Program for the immediately preceding school year, plus an amount equal to the difference between the gross local fund assignment and the net local fund assignment for the immediately preceding school year.

**§ 16.73. Estimate of Total Cost of Program; Local Assignment**

At its regular meeting in March, the State Board of Education, after receiving the recommendation of the state commissioner of education, shall estimate the total cost of the Foundation School Program for the current school year, based upon laws and approved school budgets then effective. Within 30 days after this estimate has been made, the state commissioner of education, subject to approval by the State Board of Education, shall assign to each school district, according to its taxpaying ability as determined in this subchapter, its proportionate part of the es-

estimated cost to be raised locally for the next school year and applied in financing its Foundation School Program.

#### § 16.74. County Economic Index

(a) The state commissioner of education, subject to approval by the State Board of Education shall, not later than the first week in March of each year, calculate an economic index of the financial ability of each county to support the Foundation School Program. This index shall be calculated to approximate each county's percentage of statewide taxpaying ability and shall constitute for the purpose of this subchapter a measure of that county's ability, in relation to that of other counties in the state, to support schools.

(b) The economic index for each county shall be based upon and determined by the following weighted factors:

(1) assessed property valuation of the county, weighted by twenty;

(2) scholastic population of the county, weighted by eight; and

(3) income for the county as measured by value added by manufacture, value of minerals produced, value of agricultural products, payrolls for retail establishments, payrolls for wholesale establishments, and payrolls for service establishments, all weighted collectively by seventy-two.

(c) The commissioner of education, subject to approval by the State Board of Education, shall annually recompute not later than the first week in March, a new economic index using an average of data for a three-year period which shall be taken from the most recently available official publications and reports of state and federal agencies.

#### § 16.75. County Assignment

For the school year beginning 1968-1969 and each school year thereafter, the state commissioner of education shall calculate the total local funds that the school districts of a county shall be assigned to contribute toward the total cost of the Foundation School Program by multiplying 20 percent of the estimated program cost for the immediately preceding school year, plus an amount equal to the difference between the gross local fund assignment and the net local fund assignment for the immediately preceding school year, by the economic index determined for each county. The product shall be regarded as the local funds available in each county for support of the Foundation School Program and shall be used in calculating the portion which shall be assigned to each school district in the county.

#### § 16.76. School District Assignment

(a) The amount of local funds to be charged to each school district and used therein for support of the Foundation School Program shall be calculated and determined by the state commissioner of education as follows: Divide the state and county assessed valuation of all property in the county subject to school district taxation for the next preceding school year into state and county assessed valuation of the district for the next preceding school year, finding the district's percentage of the county valuation. Multiply the district's percentage of the county valuation by the amount of funds assigned to all of the districts in the county. The product shall be the amount of local funds that the district shall be assigned to raise toward the financing of its Foundation School Program.

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(b) In any district containing state university-owned land, state-owned prison land, federal-owned military reservations, or federal-owned Indian reservations, the amount assigned to a school district shall be reduced in the proportion that the area included in the above-named classification bears to the total area of the district. For purposes hereof, state university-owned land is defined to mean and include also state-owned land located in Brazos County and devoted to the use of Texas A & M University.

(c) No local fund assignment shall be charged to the Boy's Ranch Independent School District in Oldham County, the Bexar County School for Boys Independent School District in Bexar County, or the Bexar County School for Girls Independent School District in Bexar County.

(d) Beginning with the school year 1967-1968, and thereafter, in any school district having three percent or more of its total scholastic population for the preceding school year composed of scholastic residents and transfers of tax-exempt institutions in the district for orphan, dependent, and/or neglected children, the amount assigned to such a district shall be reduced for the current school year by an amount equal to the product of the total average daily attendance of students who were residents and/or transfers of such tax exempt institutions during the preceding school year multiplied by \$151.50. The superintendent of any district desiring to receive such a reduction in assignment and qualifying therefor shall certify to the Central Education Agency, not later than December 1 of each year, the following information:

(1) the total average daily attendance of the school district determined for students residing in the district for the preceding school year;

(2) the average daily attendance for the preceding school year determined for the scholastic residents of the tax exempt institutions in the district for orphan, dependent, and/or neglected children; and

(3) a list showing the name of each such institution scholastic, the total daily attendance earned for such students in the preceding school year, and the name and address of the institution.

(e) If the revenue that would be derived from the legal maximum local maintenance school tax is less than the amount assigned to a school district according to its economic index, and if the district's property valuation is not less than the same property's valuation for state and county purposes, the lesser amount shall be assigned to be raised by such school district.

(f) Failure of a school district to collect local maintenance school funds equal to its assigned amount will not make the district ineligible for full state per capita apportionment and full foundation school fund grants, but the assigned amount shall be charged against the district as budgetary receipts whether or not actually collected.

(g) The amount of local funds assigned to a contract district, as provided for in Section 16.11(i) of this code, shall be assigned to the receiving district and all local taxes, except those required for the interest and sinking fund, shall be credited as collected to the receiving school district.

(h) If a district other than a contract district has no school, the amount of local funds assigned to, and local taxes collected from, such district shall be transferred for the current year to the receiving district in which such children attend school. But if its pupils attend schools in more than one receiving district, local fund assignments and local taxes



shall be apportioned for the current year between such receiving districts according to the number of transfers to each.

(i) If any school district has a budgetary income, as provided above in Section 16.71(1) and (2) of this code, in excess of the amount needed to operate a minimum Foundation School Program and transfers pupils to another district, it shall pay to the receiving district a proportionate part of such excess, based upon the ratio of the number transferred to its enumerated scholastic population, and this excess portion shall be charged to such receiving district.

(j) The sum of the amounts assigned to the several parts of a county-line school district shall be the amount assigned to be raised by such district for financing its Foundation School Program.

#### § 16.77. Notification of Local Fund Assignment

The county tax assessor collector in each county, in addition to his other duties prescribed by law, shall certify to the state commissioner of education, not later than December 1 of each year, the following information:

(1) The assessed valuation, on a state and county valuation basis, of all property subject to school district taxation in each school district, or portion of a school district in such county, and the total assessed valuation of all property subject to school district taxation in the county;

(2) the total area of each school district; and

(3) the area within each school district comprised of state university-owned land, state-owned prison land, federal-owned forestry land, federal-owned military reservations, and/or federal-owned Indian reservation.

(b) Should any county tax assessor collector fail to submit such certificates, to the state commissioner of education, the state comptroller of public accounts is directed to do so, estimating when necessary.

(c) As soon after the receipt of such certificates as practicable, and prior to setting the respective tax rates for the school districts of the county, the state commissioner of education shall notify each school district of the amount of local funds that such district is assigned to raise for the succeeding school year.

(d) If there has been a marked increase or decrease in the assessed valuation of a school district within a county, and if the county school board, after certifying that the use of the preceding year's county and school district valuations for determining local fund assignments would be inequitable, recommends a different distribution of the county total than that made by the state commissioner of education, then such recommendations, subject to the commissioner's approval, shall become and be the lawful local fund assignments for such district.

#### § 16.78. Excess of Local Funds Over Amount Assigned

Any local maintenance funds in excess of the amount assigned to a district may be expended for any lawful school purpose or carried over into the next school year.

#### § 16.79. Administration of Foundation School Program

(a) It shall be the duty of the State Board of Education, State Board for Vocational Education, and the state commissioner of education to take such action, require such reports, and make such rules and regula-

tions consistent with the terms of this chapter as may be necessary to carry out its provisions.

(b) The state commissioner of education shall determine annually:

(1) the amount of money necessary to operate a Foundation School Program in each school district;

(2) the amount of local funds to be assigned and charged to each school district; and

(3) the per capita apportionment from state and county available school funds available to each school district.

(c) The commissioner of education shall then grant to each school district from the foundation school fund appropriation the amount of funds necessary to provide the difference between subdivision (1) and the sum of subdivisions (2) and (3) of Subsection (b) of this section.

(d) The commissioner shall approve warrants to each school district equaling the amount of its grant. Warrants for all money expended according to the provisions of this chapter shall be approved and transmitted to treasurers or depositories of school districts in the same manner as warrants for state apportionment are now transmitted.

#### § 16.80. Dormant School Districts

(a) The county school boards of all counties of the state are authorized and required to consolidate by order of said board each dormant school district within the county with an adjoining district or districts.

(b) The term "dormant school district" means any school district that fails for any two successive years to operate a school in the district.

(c) The governing board of the district with which a dormant school district is consolidated shall continue to be the governing board for the new district.

(d) In each case, the consolidation order of the county school board shall define by legal boundary description the territory of the new district as so enlarged and shall be recorded in the minutes of the county school board as provided by law.

(e) Elections shall be held when required by law in such consolidated districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax.

(f) If a county-line district is or becomes dormant, the consolidation provisions of this section shall apply to all counties affected to the extent of territory in each.

#### § 16.81. Territory Not in School District

(a) All property subject to school district taxation in the state must be included within the limits of a school district and a proper and proportionate tax paid thereon for school purposes. Therefore, at any time it may be determined there is territory located in a county but not within the described limits of a school district, the county school board is authorized and required to add such territory to an adjoining district or districts.

(b) In each case, the order of consolidation shall define by legal boundary description the territory of the new district and shall be recorded in the minutes of the county school board as provided by law.

(c) Elections shall be held as provided by law in such new districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax.

**§ 16.82. Cumulative Effect**

The provisions of Sections 16.80 and 16.81 of this code shall not be construed to repeal, supercede or limit any existing law providing other methods for school district consolidation and annexation.

**§ 16.83. Falsification of Records, Report**

(a) When, in the opinion of the director of school audits of the Central Education Agency, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of such records, or violation of the provisions of this chapter, whereby the district's share of state funds allocated under authority of this chapter would be, or has been, illegally increased, said director shall promptly and fully report such fact direct to the State Board of Education and to the state auditor.

(b) In the event of overallocation of such funds, as determined by the State Board of Education or the state auditor by reference to the director's report, the Central Education Agency shall, by withholding from subsequent allocations of state funds, recover from such district an amount, or amounts, equal to the overallocation.

[Sections 16.84 to 16.90 reserved for expansion]

**SUBCHAPTER H. QUARTERLY SEMESTER  
PILOT PROGRAMS****§ 16.91. Pilot Program**

For purpose of exploring the feasibility of operating quarterly semester pilot programs, public school districts of this state are hereby authorized to operate (in lieu of the usual nine-month program) a twelve-month school year program and to receive allocation of state aid toward financing the extended three-month operation from the Foundation Program Fund, determined in the manner prescribed in this subchapter. Provided, however, that the district shall operate such twelve-month program under its proposed plan submitted to the Central Education Agency and subject to approval of the agency as meeting policy and regulations established and adopted by the State Board of Education applicable thereto.

**§ 16.92. Limitation**

Quarterly semester pilot programs, annually approvable under this subchapter, shall be restricted in number to involve a maximum of 10 programs not to exceed 100,000 pupils, based on average daily attendance in the preceding school year, and the attendance of eligible pupils shall be restricted to three quarterly semesters.

**§ 16.93. Cost Basis**

The cost of operating such approved quarterly semester pilot programs shall be borne by the state and each participating district on the same percentage basis that applies to financing the Foundation School Program Act within the respective district.

**§ 16.94. Calculation of Costs**

For purpose of computing authorized state aid and allocations under this subchapter, the cost of the program shall be ascertained as follows:

(1) The district's average daily attendance for classroom teacher unit eligibility and allocations shall be determined on a quarter semester basis, limiting eligible pupil attendance to three quarters within each scholastic year. Eligibility for special service teachers, supervisors and/or counselors, head teachers, part-time principals, and full-time principals shall be determined by dividing the total aggregate days of attendance in the pilot program by the number of days that instruction is offered during three semesters, determined to the best advantage of the district.

(2) An additional three-month salary adjustment, based on the state minimum salary schedule, shall be added for classroom teacher units occasioned by a twelve-month operation. Provided further that the number of months and salary, based on the state minimum salary schedule, for eligible special service teachers, supervisors and/or counselors, head teachers, part-time principals and full-time principals shall be allowed for 12 months.

(3) The total current operating costs of each pilot program as herein described, other than professional salaries and transportation, shall be determined by multiplying the number of classroom teacher units and exceptional teacher units times the number of months employed times \$67.

(4) An additional transportation allotment shall be added not to exceed the amount of one-third of the transportation allotment as normally computed for a nine-month operation.

**§ 16.95. State's Share of Cost**

The state's share of the cost shall be paid from the Minimum Foundation Program Fund, and this cost shall be considered by the Foundation Program Committee in estimating the funds needed for Foundation School Program purposes.

**SUBCHAPTER I. SUPPLEMENTAL STATE SALARY  
AID TO SCHOOL DISTRICTS****§ 16.98. Supplemental State Salary Aid**

(a) Established hereby is a program to provide supplemental state salary aid to public free school districts in addition to funds provided under any other provision of the laws or constitution of this state. Purpose of this supplementary aid program: To encourage higher salaries for classroom teachers as defined herein, of grades one through twelve.

(b) "Classroom teacher" for purposes of this program shall mean any professionally qualified teacher employed full time by a school district and spending at least one-half of his working time in actual instruction of pupils in regularly organized and scheduled classes, vocational and exceptional teachers included.

(c) Entitlement of each district for supplemental state aid authorized herein shall be determined by adding the number of classroom, vocational and exceptional teacher units allocated only to districts eligible under those provisions of foundation school program described under Sections

16.13, 16.14 and 16.16 of this code, and multiplying the sum of all such classroom teachers as herein defined by \$50.

(d) A school district may establish eligibility to receive funds to the amount determined under Subsection (c) of this section by submitting to the Central Education Agency a plan which shall meet the following conditions:

(1) State funds to be utilized as salary from amount determined under Subsection (c) of this section shall constitute not more than the same percentage of the total amount disbursed as supplemental salary to classroom teachers as the state share of the foundation school program in each participating school district; and

(2) All funds received as supplemental salary aid shall be paid as supplemental salary to persons who qualify as classroom teachers and of districts as defined in above Subsections (b) and (c) of this section; and

(3) Supplemental salary paid to any such classroom teacher shall be in addition to the salary to which such teacher is entitled under the regularly established salary policy of the school district; and

(4) Not less than ten percent of such classroom teachers employed by the school district shall participate in the state-aid supplemental salary funds disbursed to any district, and no classroom teacher shall receive less than \$100 or in excess of \$1000 in any school year.

(e) On or before its first meeting day of each fiscal year, the State Board of Education shall certify to the comptroller of public accounts the amount of money required to meet the provisions of this salary aid program. Upon receipt of the certification or as soon thereafter as possible, the comptroller shall cause to be set aside from funds collected or to be collected and credited to the general revenue fund a sum sufficient to meet such certification, and such sum(s) as so certified are hereby appropriated therefor. Any funds remaining unexpended and unencumbered in this salary program account on the last working day of each fiscal year shall be credited to the general revenue fund.

## CHAPTER 17. COUNTY ADMINISTRATION

### SUBCHAPTER A. COUNTY GOVERNING BODY

#### Section

- 17.01. Management.
- 17.02. Composition of County Governing Board.
- 17.03. Elections.
- 17.04. Vacancies.
- 17.05. Qualifications for Office.
- 17.06. Oath of Office.
- 17.07. Organization.
- 17.08. Meetings.
- 17.09. Compensation.

[Sections 17.10–17.20 reserved for expansion]

**SUBCHAPTER B. POWERS AND DUTIES****Section**

- 17.21. Body Corporate.
- 17.22. School Property.
- 17.23. Creation, Consolidation, Etc.
- 17.24. Classification of Schools.
- 17.25. Student Transfers—Appeals.
- 17.26. Acquisition of Real Property.
- 17.27. Joint Meetings.
- 17.28. Veterans' Training.
- 17.29. Budget; Finances.
- 17.30. Interim Financing; Teachers' Salaries.
- 17.31. Other Powers and Duties.

[Sections 17.32–17.40 reserved for expansion]

**SUBCHAPTER C. COUNTY SUPERINTENDENT**

- 17.41. Office Established: Counties With 3,000 or More Scholastics.
- 17.42. Where Scholastic Population Drops Below 3,000.
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- 17.44. Petition for Election.
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- 17.46. Appointive Superintendents.
- 17.47. Ex Officio County Superintendent.
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- 17.49. Oath and Bond.
- 17.50. Office.
- 17.51. Salary.
- 17.52. Office Budget for County Superintendent.
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- 17.54. Supervisor.
- 17.55. Duties as Secretary of Board.
- 17.56. Duties as Budget Officer.
- 17.57. Fiscal Accounting System.
- 17.58. Reports.
- 17.59. Supervision of Education in County.
- 17.60. Teachers' Meetings.
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- 17.62. County-Unit System.
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[Sections 17.65–17.70 reserved for expansion]

**SUBCHAPTER D. TREASURER AND DEPOSITORY**

- 17.71. County Depository.
- 17.72. Bond.
- 17.73. Apportionment to Districts.
- 17.74. County-Unit System.

[Sections 17.75–17.80 reserved for expansion]

**SUBCHAPTER E. COUNTY SCHOOL LANDS****Section**

- 17.81. Duty of Commissioners Court.
- 17.82. Sale of School Land.
- 17.83. Rental Proceeds.
- 17.84. Taxes on Agricultural or Grazing Land.

[Sections 17.85–17.90 reserved for expansion]

**SUBCHAPTER F. SOCIAL SECURITY FOR EMPLOYEES**

- 17.91. Authority of Governing Board.
- 17.92. Employer's Matching Contribution.

**SUBCHAPTER A. COUNTY GOVERNING BODY****Section 17.01. Management**

(a) The general management and control of public free schools and high schools in each county, unless otherwise provided by law, shall be vested in a board of county school trustees.

(b) In those counties which have previously been placed under or adopted, by either general or special law, or which may hereafter adopt pursuant to Chapter 18 of this code,<sup>1</sup> the county-unit system for tax purposes, the governing body may be designated the county board of education.

(c) In any county of this state not having heretofore elected or appointed a board of county school trustees, the commissioners court is authorized to appoint a board of county school trustees for the county, the residence of whose members shall conform to the provisions of Section 17.02 of this code relating to the election of county trustees.

(d) No board of county school trustees or county board of education shall be required in those counties which have created or hereafter may create under the terms of Section 19.061 of this code a single independent school district embracing the entire county.

1. Section 18.01 et seq.

**§ 17.02 Composition of County Governing Board**

(a) Unless otherwise provided by law, the board of county school trustees or county board of education shall be composed of five members, one of whom shall be elected from each of the four commissioners precincts of the county by the qualified voters of such precincts, and one from the county at large by the qualified voters of the county. Each shall be elected for a term of two years. Two members shall be elected in one year and three members shall be elected in the alternate year.

(b) In those counties with a population in excess of 350,000, the board of county school trustees shall consist of seven members, three of whom shall be elected from the county at large and one from each commissioners precinct. The trustees' first terms shall be fixed by lot, with two drawing to serve two years, two for four years, and three for six years. Thereafter, each member shall serve six years, with either two or three members elected every two years, the number depending upon that needed to bring the board to seven members.

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**§ 17.03. Elections**

(a) Elections of county school trustees or members of the county board of education and district trustees shall be held on the first Saturday in April, except that in counties having a population of 500,000 or more, according to the last preceding federal census, such elections may be held on any other Saturday the trustees or board members may select by official resolution.

(b) Election officers appointed to hold the election for district trustees in each school district shall hold the regular election for county school trustees or county board members.

(c) In elections for county school trustees or county board members, all candidate applications for a place on the ballot must be filed with the county judge not less than 30 days prior to the day of election.

(d) The order for such elections must be made by the county judge at least 30 days prior to election day and must designate as voting places within each common or independent school district the same places at which votes are cast for the district trustees.

(e) It shall be no valid objection that the voters of a commissioners precinct are required by operation of this section to cast their ballots at a polling place outside the commissioners precinct of their residence.

(f) Election returns shall be made to the county clerk within five days after the election is held. Such returns shall be delivered by the clerk to the commissioners court at its first meeting thereafter, and that body shall canvass the returns and declare the results as in other elections.

(g) After the newly-elected trustees or county board members have taken and filed with the county clerk the official oath of office, the clerk shall issue their commissions impressed with the seal of the commissioners court.

**§ 17.04. Vacancies**

Any vacancy on a board of county school trustees or a county board of education shall be filled for the unexpired portion of the term by the remaining trustees or board members.

**§ 17.05. Qualifications for Office**

County school trustees or members of county boards of education must meet the following qualifications:

(1) They must be qualified voters of the county from which they are elected;

(2) The four persons representing commissioners precincts must each reside in the precinct from which he is elected;

(3) They must possess good moral character;

(4) They must be able to read and speak the English language;

(5) They must be persons of good education and in sympathy with the public free schools;

(6) They must not be connected with the public schools of any district, either as an official or as an employee.

**§ 17.06. Oath of Office**

All elected trustees or members of a county board of education must take the official oath of office and file same with the county clerk.



**§ 17.07. Organization**

Each board of county school trustees or county board of education shall be organized as follows: A president shall be elected by the trustees or members of the board from their number at the regular meeting in May of each year. A vice-president may be elected in the same manner as the president. The county superintendent shall act as secretary.

**§ 17.08. Meetings**

(a) The county school trustees or county boards of education shall hold meetings once each quarter on the first Monday in August, November, February, and May, or as soon thereafter as is practicable. Such meetings may likewise be held on the first Monday each month, or as soon thereafter as is practicable.

(b) Additional meetings may be called by the president or at the instance of any two trustees or members of the county board of education and the county superintendent.

(c) The meeting place shall be at the county seat in the office of the county superintendent.

(d) A majority of the trustees or board members shall constitute a quorum to transact business. All questions shall be decided by majority vote.

**§ 17.09. Compensation**

Each county school trustee or member of a county board of education shall be paid, for the time spent in attending meetings, \$6 per day, not to exceed \$72 in any one year, out of the state and county available school fund by warrants drawn on order of the county superintendent and signed by the president of the body, after approval of the account properly sworn to by the president.

[Sections 17.10–17.20 reserved for expansion]

**SUBCHAPTER B. POWERS AND DUTIES****§ 17.21. Body Corporate**

(a) The county school trustees or county board of education shall constitute a body corporate and in that name may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

(b) Unless otherwise provided by law, the corporate designation shall be County School Trustees of \_\_\_\_\_ County, State of Texas.

(c) If the county-unit system has been instituted in the county under previous law either general or special, and if the governing body thereunder is designated as a board of education, or if the county-unit system is hereafter adopted in the county under Chapter 18 of this code<sup>1</sup> and the designation board of education adopted, the corporate designation shall be County Board of Education of \_\_\_\_\_ County, State of Texas.

1. Section 18.01 et seq.

**§ 17.22. School Property**

The title to any school property belonging to the county, which title has heretofore been vested in the county judge and his successors in office, or to any school property which may be acquired, shall vest in the county

school trustees or the county board of education and their successors in office for public free school purposes.

**§ 17.23. Creation, Consolidation, Etc.**

(a) The county school trustees or county boards of education shall participate in the creation, consolidation, subdivision, and abolition of school districts as provided in Chapter 19 of this code.<sup>1</sup>

(b) The county school trustees or county boards of education shall participate in the establishment of public junior colleges as provided in Chapter 51 of this code.<sup>2</sup>

1. Section 19.001 et seq.

2. Section 51.001 et seq.

**§ 17.24. Classification of Schools**

(a) The county school trustees or county boards of education shall, at the regular meeting in May of each year, or as soon thereafter as practicable, and in accordance with such regulations as the commissioner of education may prescribe, classify the schools of the county, including those in independent school districts, into elementary schools and high schools for the purpose of promoting the efficiency of the elementary school and of establishing and promoting high schools at convenient and suitable places.

(b) In classifying the schools and in establishing high schools, the trustees or county board members shall give due regard to schools already located, to the distribution of population, and to the advancement of the students in their studies.

**§ 17.25. Student Transfers—Appeals**

The county school trustees or county boards of education shall have jurisdiction over appeals by any common or independent district dissatisfied with student transfers made by approval in writing from one district to another by action of the county superintendent.

**§ 17.26. Acquisition of Real Property**

(a) The county school trustees or county boards of education shall have the power to purchase and lease, and by exercise of the right of eminent domain to acquire, the fee simple title to real property in the county for all common school districts and/or those independent school districts having a scholastic population of less than 150 and remaining under the supervision of the county governing board, for the purpose of supplying playgrounds, agricultural tracts, sites upon which to build schoolhouses, other buildings necessary for the operation of the schools, and for such other purpose as may be advisable for the schools within the districts.

(b) When real property is acquired by the exercise of the right of eminent domain, the trial and all other proceedings, including the assessing of damages, shall be in conformity to the statutes of the state for condemning and acquiring property by railroads. Whenever final judgment is rendered in any such condemnation proceedings, the plaintiff shall be awarded the fee simple title to the property condemned, and have full power over it, including the right of alienation.

**§ 17.27. Joint Meetings**

The county school trustees or county boards of education may call joint meetings with the district school trustees when deemed necessary and shall do so on petition of a majority of district school trustees.

**§ 17.28. Veterans' Training**

(a) Unless the county is one in which a tax-supported college or junior college is already operating non-credit classes and schools for veterans, the board of county school trustees or county board of education may maintain, operate and administer a special school for such educational and vocational training of veterans as may be provided by law of this state or of the United States for such veterans, and may employ such instructors, as it deems necessary, and do all things deemed proper for the successful operation of such school.

(b) The State Board for Vocational Education is authorized to allocate and pay to the respective county governing boards and such county governing boards are authorized to receive such money as well as any private donations made for the same purpose and shall stand charged with the power and duty to maintain, operate and administer the same for the purposes above stated.

(c) Payment for all necessary expenses of such schools shall be made by the county governing boards by warrants drawn on funds received by them for the purpose.

**§ 17.29. Budget; Finances**

(a) The county school trustees or members of the county board of education shall make the annual budget for county administration, have general supervision over the financial affairs of the schools under their jurisdiction, and see to it that all funds are expended in compliance with the regulations of the Central Education Agency.

(b) The county budget, including the applicable items set out in Sections 17.51–17.54 of this code and authorized under regulations of the commissioner of education, shall be filed with the State Department of Education on or before the first day of September of each scholastic year, and shall be certified to by the county school trustees or county board of education and attested to by the county superintendent. The commissioner of education shall transmit to the county governing board all instructions necessary for proper observance of this provision and shall remit in October of each scholastic year to the depository bank of each of the respective counties the amount of the state available fund provided in the budget of each county.

**§ 17.30. Interim Financing; Teachers' Salaries**

(a) On September 1 of each year, or as soon thereafter as practicable, the county school trustees or county boards of education shall, upon the basis of information furnished by the county depository bank at the request of the county governing body, ascertain the current financial resources of each school district under their supervision and, in the event any of said districts do not or will not have sufficient funds on deposit to pay the salaries of teachers when and as due, borrow funds necessary for such purpose, and authorize the depository bank of the county to charge interest at a rate to be agreed upon by said depository bank and said trustees under the rules prescribed in this section.

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(b) The rate of interest shall not exceed eight percent per annum on vouchers issued to teachers from the date of the receipt by said depository until sufficient funds accrue to the credit of the district issuing said vouchers to liquidate the respective vouchers, the interest to be paid from the available funds of the district affected.

(c) No voucher shall draw interest after sufficient funds have accrued in the depository for its payment.

(d) The vouchers upon which interest is to be charged shall not exceed in amount 50 percent of the current available funds of the issuing district.

(e) All interest charged under this section shall be reported in full by the depository bank in its annual report to the state commissioner of education.

## § 17.31. Other Powers and Duties

(a) The county school trustees or county boards of education shall provide all information requested of them by the commissioner of education or any other person associated with the Central Education Agency; they shall also exercise all other functions conferred upon them by the statute and may perform any other act consistent with law for the promotion of education in the county.

(b) In those counties in which the county-unit system has been established under either general or special law of this state, and in those counties which may hereafter adopt the county-unit system under Chapter 18 of this code,<sup>1</sup> the county school trustees or county boards of education shall have, in addition to the powers and duties set out in this subchapter, the further powers specified for such county governing boards in the applicable sections of Chapter 18.

1. Section 18.01 et seq.

[Sections 17.32–17.40 reserved for expansion]

## SUBCHAPTER C. COUNTY SUPERINTENDENT

## § 17.41. Office Established: Counties With 3,000 or More Scholastics

(a) Except as provided by Section 17.45 of this code, the commissioners court of every county having 3,000 scholastic population or more, as shown by the preceding scholastic census, shall at a general election provide for the election of a county superintendent to serve for a term of four years.

(b) In every county that shall attain 3,000 scholastic population or more, the commissioners court shall appoint such superintendent who shall perform the duties of such office until the election and qualification of his successor.

(c) In counties having a scholastic population of between 3,000 and 5,000 scholastics, wherein the office of county superintendent has not been created and a superintendent elected, then in such counties the question of whether or not such office is established shall be determined by the qualified voters of said county in a special election called therefor by the commissioners court of said county, upon petition therefor as specified in Section 17.44 of this code.

**§ 17.42. Where Scholastic Population Drops Below 3,000**

In all counties now or hereafter having the office of county superintendent where the scholastic population according to the last scholastic census is less than 3,000 but more than 2,000, the office of county superintendent shall continue unless and until a majority of the qualified property taxpaying voters of said county, voting at an election held to determine whether said office shall be abolished, shall vote to abolish said office, which election shall be ordered by the Commissioners Court upon petition therefor as specified in Section 17.44 of this code. Provided, however, that if a majority of said voters voting at said election hereinabove provided for, vote to abolish said office said election shall not become effective until the expiration of the term of office for which the county superintendent has been elected or appointed.

**§ 17.43. Counties With Fewer Than 3,000 Scholastics**

In any county having a scholastic population of fewer than 3,000, on the presentation of a petition as specified in Section 17.44 of this code, the commissioners court shall order an election for said county to determine whether or not the office of county superintendent shall be created in said county; and, if a majority of the qualified property taxpaying voters voting at said election shall vote for the creation of the office of county superintendent in said county, the commissioners court, at its next regular term after the holding of said election, shall create the office of county superintendent, and name a county superintendent who shall qualify under this chapter, and hold such office until the next general election.

**§ 17.44. Petition for Election**

The petition for any election under this subchapter must be signed by a number of qualified voters of the county equal to at least 25 percent of the votes cast in the county for governor at the last preceding general election.

**§ 17.45. Counties of More Than 350,000**

In any county having a population of more than 350,000, according to the last preceding federal census, the county superintendent shall be appointed by the county board of education, and shall hold office for four years. However, this provision shall not operate so as to deprive any elected superintendent of his office prior to the expiration of the term for which he has been elected.

**§ 17.46. Appointive Superintendents**

(a) In those counties which have previously adopted the county-unit system, under either general or special law of this state, wherein the county governing board was authorized to appoint the county superintendent, the office of county superintendent shall remain appointive so long as the county-unit system remains in effect.

(b) In those counties wherein the county governing board has previously been authorized, under either general or special law of the State, to appoint the county superintendent, or in any county which may hereafter qualify under the provisions of Chapter 18 of this code <sup>1</sup> for an appointive superintendent, the office of county superintendent shall be appointive.

1. Section 18.01 et seq.

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**§ 17.47. Ex Officio County Superintendent**

In any county in which no county superintendent has been elected or appointed, the county judge shall be ex officio county superintendent and shall perform all the duties required of that office.

**§ 17.48. Qualifications**

An elective or appointive county superintendent must be a person of educational attainments, good moral character, and executive ability. He must hold a permanent, rovisional,<sup>1</sup> or professional teacher's certificate.

1. So in enrolled bill.

**§ 17.49. Oath and Bond**

The county superintendent, whether elected, appointed, or ex officio, shall take the official oath of office and shall give bond in the sum of \$1,000, conditioned upon the faithful performance of his duties and payable to and approved by the county governing board of the county, unless a county-wide independent school district has been created as provided in Chapter 19 of this code,<sup>1</sup> in which event the bond shall be payable to and approved by the county commissioners court.

1. Section 19.001 et seq.

**§ 17.50. Office**

The county commissioners court shall provide the county superintendent with an office in the courthouse and with the necessary office furniture and fixtures.

**§ 17.51. Salary**

(a) The salary of elective and appointive county superintendents shall be fixed as provided in this section.

(b) Each county superintendent shall receive from the available school fund an annual salary based upon the following salary schedule:

(1) The minimum base pay of a county superintendent who has one year but less than two years of college training in a standard college or university shall be \$155 per month. Six dollars per month shall be added for each year of teaching experience in the public schools of this state, not to exceed \$72 per month.

(2) The minimum base pay for a county superintendent who has two but less than three years of college training in a standard college or university shall be \$180 per month. Six dollars per month shall be added for each year of teaching experience in the public schools of this state, not to exceed \$72 per month.

(3) The minimum base pay for a county superintendent who has three years or more of college training in a standard college or university but who does not hold a bachelor's degree shall be \$205 per month. Six dollars per month shall be added for each year of teaching experience in the public schools of this state, not to exceed \$72 per month.

(4) The minimum base pay for a county superintendent who holds a bachelor's degree from a standard college or university and no higher degree shall be \$267 per month. Six dollars per month shall be added for each year of teaching experience in the public schools of this state, not to exceed \$72 per month.

(5) The minimum base pay for a county superintendent who holds a master's degree from a standard college or university shall be \$292

per month. Six dollars per month shall be added for each year of teaching experience in the public schools of this state, not to exceed \$156 per month.

(c) Each county superintendent shall receive, in addition to the salary based upon professional training and teaching experience in public schools of Texas as described in Subsection (b) above, monthly increments based upon the scholastic population brackets as indicated in the following table:

Population	Amount
3,000 or less	\$ 40.00
3,001 to 4,000	50.00
4,001 to 5,000	60.00
5,001 to 6,000	70.00
6,001 to 7,000	80.00
7,001 to 8,000	90.00
8,001 to 9,000	100.00
9,001 to 12,000	110.00
12,001 to 15,000	120.00
15,001 to 20,000	130.00
20,001 to 30,000	140.00
30,001 to 50,000	150.00
50,001 and over	160.00

(d) The annual salary for a county superintendent shall be the monthly base salary, plus increments, multiplied by 12. Any county superintendent who has served 24 or more years as an elected county superintendent in Texas may receive the same base pay and increments for experience as a county superintendent with a master's degree would receive in the same position.

(e) In those counties in which the county judge acts as ex officio county superintendent, he shall receive as salary for his services in performing the duties of county superintendent, in addition to all other compensation provided by law, whether paid on a fee or salary basis, such sum as the board of county school trustees or county board of education may determine, provided that it shall never exceed \$2,600 per year.

(f) The compensation provided in this section shall be paid monthly upon order of the county school trustees or county board of education, but the salary for the month of September shall not be paid until the county superintendent presents a receipt from the office of the commissioner of education showing that he has made all reports required of him.

#### § 17.52. Office Budget for County Superintendent

(a) The office budget for an appointive or elective county superintendent may include the following items:

(1) Employment of a competent assistant with approval and confirmation of the county school trustees or county board of education. In counties with a total population equaling or fewer than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed \$4,500. In counties with a total population greater than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed \$4,800.

(2) Employment of such other assistants as may be necessary, provided that the total sum of all salaries of all assistants to the county

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superintendent does not exceed annually \$7,200 in counties having a total population equaling or fewer than 100,000, nor \$7,500 in counties having a total population greater than 100,000.

(b) The county school trustees or county board of trustees may make further provisions as they deem necessary for office and travel expenses of the county superintendent, provided that such expenditures of the county superintendents shall not be more than \$1,080 annually and shall not be paid except upon notarized claims made upon forms filed by the county school superintendent and approved by the county school trustees or county board of education.

**§ 17.53. Office Budget: Ex Officio Superintendent**

The office budget for an ex officio county superintendent may include the following items:

(1) Appointment by the county school trustees or county board of education of an assistant to the ex officio county superintendent at a salary not to exceed \$2,600 per year.

(2) Provision by the county school trustees or county board of education for other office and travel expenses in an amount not to exceed \$1,050 per year.

**§ 17.54. Supervisor**

Whenever a supervisor is assigned a position under the county superintendent, as provided in Section 16.17 of this code, the office and travel expenses of such supervisor may be included in the office budget of the county superintendent. Such expenses shall be in addition to the budget maximums set out above in Sections 17.52(b) and 17.53(2), but shall not exceed \$50 per month per supervisor. This budget item is limited to a nine-month basis.

**§ 17.55. Duties as Secretary of Board**

(a) The county superintendent shall act as secretary of the county school trustees or county board of education. He shall keep in a well bound book, which shall be open to public inspection, a true and correct record of the proceedings of the county governing board.

(b) He shall keep an accurate record of the term of office of each common school district and county school trustee or county board member and shall furnish the county judge at least 60 days prior to the date of their election the number of trustees or board members to be elected in each district or precinct or in the county at large.

(c) He shall conduct all correspondence of the board, receive all reports required by the board, and see that such reports are in proper form, complete and accurate.

(d) He shall have the right to advise on any question under consideration by the board, but shall have no vote.

**§ 17.56. Duties as Budget Officer**

(a) The county superintendent shall be the budget officer for each common and rural high school district under such county's jurisdiction.

(b) On or before the tenth day of August, he shall prepare an itemized budget covering all carefully estimated receipts and proposed expenditures for the next succeeding fiscal year of each common and rural high school district under the jurisdiction of the county.



(c) When so prepared this budget shall be submitted to the trustees of each such district for approval; when approved by the trustees and by the county superintendent, copies shall be filed in the offices of county superintendent, the county clerk, and the Central Education Agency, all such copies having been prepared on forms authorized and according to regulations established by the State Board of Education. Such budgets shall be filed no later than the first day of November of the year for which the budget is approved.

(d) In case of an unforeseen emergency, a supplemental budget or budget amendment may be approved in the same manner and copies thereof filed with the original budget when approved.

(e) At any time during the process of budget preparation, any taxpayer of a common or rural high school district for which the budget is being prepared shall have the right to file with the county superintendent and/or trustees of the district any statement or protest he may desire to file concerning any item of expenditure proposed in the budget. Such statement or protest shall be given due consideration by the county superintendent or by the trustees for the district in their final action upon adoption of the budget.

#### § 17.57. Fiscal Accounting System

(a) The county superintendent shall select and install a standard school fiscal accounting system for each common and rural high school district in his jurisdiction. This system must meet at least the minimum requirements prescribed by the State Board of Education and be approved by the state auditor; it shall not, however, relieve any board from keeping any other accounting records. It shall also be keyed to and correlated with the classifications in the budget regarding the purposes of disbursements and sources of receipts.

(b) The county superintendent shall cause to be kept in his office for each district a record of expenditures made and income received during the fiscal year for which the budgets were approved. No expenditure of public funds shall be made in any common or rural high school district in any manner other than that provided in the budgets prepared and approved pursuant to the provisions of Section 17.56 of this code.

#### § 17.58. Reports

At the time budgets are filed as prescribed in Section 17.56 of this code, the county superintendent shall report to the Central Education Agency on forms furnished by the agency the disbursements and receipts of each common and rural high school district in his jurisdiction for the preceding fiscal year.

#### § 17.59. Supervision of Education in County

(a) The county superintendent shall have, under direction of the commissioner of education, the immediate supervision of all matters pertaining to public education in his county.

(b) For all common and rural high school districts and all independent school districts having fewer than 150 scholastics and remaining under his jurisdiction, he shall examine all contracts, including their salary provisions, between the district trustees and teachers of his county, and if in his judgment such contracts are proper, he shall approve them.

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(c) He shall confer with the teachers and trustees and give them advice when needed, visit and examine schools, and deliver lectures promoting interest in public education.

(d) He shall distribute all school blanks and books to the officers and teachers of the public schools under his jurisdiction and shall make such reports to the Central Education Agency, or any division thereof, as may be asked of him.

(e) He shall, if possible, spend at least four days each week visiting the schools while they are in session.

(f) He shall approve the reports of independent school districts, except such as have a scholastic population of 500 or more, to the Central Education Agency, and shall have jurisdiction over appeals from decisions of independent school districts of fewer than 500 scholastics.

**§ 17.60. Teachers' Meetings**

(a) The county superintendent or ex officio county superintendent may call the teachers of the county together for one or more meetings, but not to exceed three in any one school year, the number to be determined by the county governing board and county superintendent. These meetings may be held on Saturday for one or more hours, but not to exceed three hours on any one day, as the program arranged may demand.

(b) The county superintendent may require teachers' attendance at these meetings but they shall not be paid therefor.

(c) The trustees of any independent district having 500 or more scholastic population may authorize the superintendent of schools in the district to hold district teachers' meetings in lieu of county meetings.

**§ 17.61. Administer Oaths**

The county superintendents are empowered to administer oaths necessary in transacting any business relating to school affairs, but they shall receive no compensation therefor.

**§ 17.62. County-Unit System**

In the event the county-unit system has been previously adopted in a county, under either general or special law of this state, or in the event the county-unit system should be adopted under the provisions of Chapter 18 of this code,<sup>1</sup> the county superintendent shall perform such additional duties as may have been or may be assigned to him for the proper functioning of that system.

<sup>1</sup> Section 18.01 et seq.

**§ 17.63. Appeals**

All appeals from decisions of the county superintendent shall be to the county school trustees or county board of education. If desired, further appeal may be had to any court of competent jurisdiction over the subject matter, or to the commissioner of education pursuant to Section 11.13 of this code. Notice of election of either further appeal route must be given to the county governing board within five days after its final decision.

**§ 17.64. Abolition of Office**

(a) Upon a petition of 25 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of less than 100,000 population according to the last federal census; or

upon a petition of 20 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of 100,000 or more population according to the last federal census, the county judge shall within 90 days of the receipt of such petition call an election to determine by majority vote whether the office of county superintendent (or ex officio county superintendent and the county school board in counties having an ex officio county superintendent) shall be abolished. At such an election all ballots shall have printed to provide for voting for or against the proposition:

"The abolishment of the office of county superintendent" or "the abolishment of the office of an ex officio county superintendent and the county school board" (as the case may be).

(b) Where the majority of the qualified electors approve the abolition of the office of county superintendent, the duties of such abolished office as may still be required by law shall vest in the county judge in ex officio capacity upon expiration of the current term of that office.

(c) Where the majority of the qualified electors approve the abolition of the office of the ex officio county superintendent and county school board, the duties of such abolished offices as may still be required by law shall be and become the duties of the office of county judge of said county upon the expiration of the current term of office of the ex officio county superintendent, and said county judge shall not be entitled to nor receive any additional compensation as a result of these additional duties.

(d) Not more than one such election may be called during any term of office of the incumbent county superintendent or ex officio county superintendent and that not during the year that a regular election for the office is being held.

(e) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

[Sections 17.65–17.70 reserved for expansion]

#### SUBCHAPTER D. TREASURER AND DEPOSITORY

##### § 17.71. County Depository

The county depository, selected in compliance with the general laws of the state, shall serve as treasurer of county school funds. The commissioners court of each county shall file with the State Department of Education a copy of the depository bond or a copy of the depository contract showing securities in escrow. No commission shall be paid to the county depository for receiving and disbursing school funds.

##### § 17.72. Bond

(a) Within 20 days after receipt of a certificate of its selection, the county depository shall execute a good and sufficient bond payable to the county judge.

(b) The bond shall equal the probable amounts of the available school fund which may be on deposit at any one time, plus the permanent county

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funds as estimated by the county superintendent, or in a county having no superintendent, by the county judge.

(c) The bond shall be conditioned on the depository's good performance of its duties, including but not limited to safekeeping and faithful disbursement of the school fund according to law and payment of such warrants as may be drawn on the fund by competent authority.

(d) In lieu of a bond, the depository may secure the school funds by approved securities or in any other manner authorized by law for securing county funds.

**§ 17.73. Apportionment to Districts**

(a) The county depository, upon receiving notice from the Central Education Agency of the amount apportioned to the county, shall report the same to the county superintendent, who shall immediately apportion it to the several districts, according to the scholastic census, and notify the county treasurer of the amount apportioned to each district.

(b) The county treasurer shall keep a separate account with each district, showing the amount apportioned according to the certificate of apportionment and the amount paid out to each school and district.

(c) In no case shall the county treasurer pay out any part of the school fund without the approval of the county superintendent.

(d) All balances of the general school fund not appropriated for the current year shall be carried over by the treasurer as part of the county's general school fund for the succeeding year. Unexpended balances of any district not exceeding \$5 per capita, according to the last scholastic census, shall be carried over for the benefit of that school district. Unexpended balances in excess of \$5 per capita, according to the last scholastic census, shall be carried over for the benefit of that school district only to the extent of \$5 per capita, and the excess shall be reapportioned to the school districts of the county.

**§ 17.74. County-Unit System**

In any county in which the county-unit system has previously been established under either general or special law of this state, and in any county which may hereafter adopt the county-unit system under the provisions of Chapter 18 of this code,<sup>1</sup> the county depository shall secure and handle such funds as may be acquired through operation of that system in the same manner as other funds available for county school purposes.

1. Section 18.01 et seq.

[Sections 17.75–17.80 reserved for expansion]

**SUBCHAPTER E. COUNTY SCHOOL LANDS**

**§ 17.81. Duty of Commissioners Court**

It shall be the duty of the commissioners court to provide for the protection, preservation, and disposition of all lands heretofore granted, or which may hereafter be granted, to the county for educational purposes and which constitute the permanent county school fund.

**§ 17.82. Sale of School Land**

(a) Each county may sell or dispose of school lands in such manner as may be prescribed by the commissioners court of the county.

(b) The proceeds of any such sale shall be invested in bonds of the United States; the State of Texas; counties of the state; independent or common school districts; road precinct, drainage, irrigation, navigation and levee districts in the state; or incorporated cities or towns. These bonds shall be held by the county in trust for the benefit of its public free schools, and only interest thereon may be used and expended annually.

**§ 17.83. Rental Proceeds**

Besides other available school funds provided by law, rental and lease proceeds from lands previously granted by the state to any county for educational purposes shall be appropriated by the commissioners court of the county in the same manner legally prescribed for the appropriation of interest on bonds purchased with the proceeds from sale of such lands. Likewise, proceeds from the sale of timber on these lands shall be invested by the commissioners court as prescribed in Section 17.82(b) of this code. None of the rental, lease, or timber proceeds shall be applied by the commissioners court to any purpose other than those prescribed in this code.

**§ 17.84. Taxes on Agricultural or Grazing Land**

Any county in this state owning as school land any agricultural or grazing land is authorized to pay taxes lawfully levied thereon out of revenue derived from such land by the county, but if any county has no revenue or insufficient revenue from the land, the taxes shall nevertheless be paid in whole or in necessary part from the county's general fund.

[Sections 17.85–17.90 reserved for expansion]

**SUBCHAPTER F. SOCIAL SECURITY FOR EMPLOYEES****§ 17.91. Authority of Governing Board**

The county school trustees or county board of education, as the case may be, of each county in this state may enter into all necessary agreements with the State Department of Public Welfare to provide for coverage under the Old Age and Survivors Insurance provisions of the Federal Social Security Act<sup>1</sup> of all persons who qualify under applicable federal regulations and whose salaries, wages or other compensation are paid from the county administration fund, the county transportation fund, or any other fund or funds administered by such governing board. With reference to these agreements, the county governing board shall have the same authority as that of counties, municipalities, and other political subdivisions with respect to participation of employees in the Federal Old Age and Survivors Insurance program.

1. 42 U.S.C.A. § 401 et seq.

**§ 17.92. Employer's Matching Contribution**

(a) The minimum employer's matching contributions, required by federal regulations, shall be paid into the fund from which each person is paid his salary, wages, or other compensation, by the state or subdivi-

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sions, as the case may be, which is required by law to pay the salary, wages, or other compensation of such person.

(b) If the salary, wages, or other compensation of a person comes from more than one source, each of said sources shall pay its pro rata share of the employer's matching contribution. The administrative costs of the program shall be prorated in like manner.

(c) In the case of instructors and other authorized personnel, if any, employed by the county school governing body for duties in connection with special schools for vocational and educational training of veterans, the employer's matching contributions and pro rata administrative costs for such instructors and employees shall be paid by the board from the operating funds of said special schools and collected in the same manner as other operating expenses of those schools are collected.

(d) The minimum employer's matching contribution shall, in all cases, be in addition to any maximum compensation fixed by law for the persons or employees covered by this subchapter.

**CHAPTER 18. COUNTYWIDE EQUALIZATION FUND OR  
COUNTY UNIT SYSTEM OF EQUALIZATION  
TAXATION**

**Section**

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- 18.02. Validation and Conversion to Present Law.
- 18.03. Authorization.
- 18.04. Petition for Election to Adopt County-Unit System.
- 18.05. Election to Adopt the County-Unit System.
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- 18.21. Petition for Election.
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**Section 18.01. Definition**

The county unit system is a method by which the voters of a county may, without affecting the operation of any existing school district within the county, create an additional countywide school district which may exercise in and for the entire territory of the county the taxing power conferred on school districts by Article VII, Section 3, of the Texas Constitution, for the purpose of adopting a countywide equalization tax for the maintenance of the public schools.

**§ 18.02. Validation and Conversion to Present Law**

(a) All actions heretofore taken in establishing in any county a countywide equalization fund or a county-unit system of any sort, whether established, organized, and/or created by the vote of the people residing in such counties or by the action of the county school trustees or the county board of education, as the case may be, and whether authorized or created by general or special law in this state, are hereby validated in all respects, regardless of whether or not such actions were duly and legally taken in the first instance; and all such county equalization funds and/or county-unit systems resulting from such action and heretofore collecting and distributing countywide equalization funds or functioning as county-unit systems are hereby in all things validated.

(b) All facts of county judges, county school trustees, or county boards of education in such counties in ordering an election or elections, declaring the results of such election, levying, attempting, or purporting to levy county equalization taxes or taxes for or on behalf of a countywide district or a county equalization fund are hereby in all things validated.

(c) All county-unit systems heretofore created and hereby validated are hereby authorized and empowered to levy, assess, and collect the same rate of tax, or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any act of the county governing body or by any election of the taxpaying voters of said county or by any act, whether general or special, by the legislature, or the same rate as is being levied, assessed, and collected therein and heretofore authorized or attempted to be authorized by any act or acts of said counties or by any act, whether general or special, of the legislature.

(d) All counties in which an equalization fund has heretofore been created are hereby authorized to levy, assess, and collect the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the taxpaying voters of the county or by any act, whether general or special, by the legislature, or the same rate as is being levied, assessed, and collected therein any heretofore authorized or attempted to be authorized by any act or acts of said counties or by any act, whether general or special, of the legislature.

(e) All future administrative procedures, elections, and tax levies in those counties which now have an equalization fund or which are now operating under a county-unit system, shall be controlled by the provisions of this chapter.

**§ 18.03. Authorization**

(a) Any county in this state may, at an election called for that purpose under the provisions of this chapter and to the extent herein provided, adopt a county-unit system of education for the purpose of levying, as-

sessing, and collecting a school equalization tax and for such other administrative purposes as are authorized in this chapter.

(b) Any county in which the county-unit system has been adopted may, if further authorized by a majority of the qualified property taxpaying voters residing therein at an election held for that purpose as provided in this chapter exercise in and for the entire territory of the county, to the extent in this chapter prescribed, the tax power conferred on school districts by Article VII, Section 3, of the Texas Constitution.

**§ 18.04. Petition for Election to Adopt County-Unit System**

(a) An election to adopt the county-unit system shall be ordered by the county judge of any county upon the presentation of a petition praying for the formation of a countywide school district and signed by the number of qualified voters specified below:

(1) In any county having a population of fewer than 100,000, according to the last federal census, the petition must be signed by at least 100 qualified voters; and

(2) In any county having a population of 100,000 or more, according to the last federal census, the petition must be signed by at least 500 qualified voters.

(b) Upon the receipt of a petition fulfilling the applicable requirements of subsection (a) of this section, the county judge shall order, in compliance with the applicable provision below, an election to determine whether or not the county-unit system shall be adopted in the county.

(c) In these counties with a population of fewer than 100,000, the county judge shall, within 30 days, order an election to be held throughout the county and give notice of the date of the election by publication of the order in some newspaper published in the county for 20 days prior to the date set for the election.

(d) In those counties with a population of 100,000 or more, the county judge shall, within 90 days, order an election to be held throughout the county and give notice by posting, in each precinct for at least 20 days prior to the election, notice of the date of the election and the question to be determined.

**§ 18.05. Election to Adopt the County-Unit System**

(a) All legally qualified voters in the county shall be allowed to vote at the election to determine whether or not the county shall adopt the county-unit system.

(b) The form of ballot shall be substantially as follows: "For Equalization District" and "Against Equalization District."

(c) The election shall be conducted by the election officer appointed to hold the election of district school trustees in each school district in the county and at the same polling places. The expenses of the election shall be paid from general county funds.

(d) The commissioners court at its next regular meeting following the election, shall canvass the returns of the election and declare the result. If a majority of the votes cast favor the formation of such a district, the court shall declare the countywide school equalization district duly and legally created and the provisions of this chapter duly adopted.

**§ 18.06. Management**

(a) In those counties which have adopted or may hereafter adopt the county-unit system, the general management, supervision and control of



the countywide school district shall be vested in the county governing board as specified in Section 17.01 of this code.

(b) In those counties adopting the county-unit system and having a total population of fewer than 100,000, the county governing board shall be designated as the county school trustees.

(c) In those counties adopting the county-unit system and having a total population of 100,000 or more, the county governing board shall be designated as the county board of education.

(d) After the adoption of the provisions of this chapter, the county governing board shall continue to exercise all powers and duties assigned to it in Chapter 17 and in other provisions of this code,<sup>1</sup> and in addition thereto shall perform the other functions assigned to it under the terms of this chapter.

1. Section 17.01 et seq.

#### § 18.07. Petition for Tax Election

(a) On receipt of a petition legally praying for the authority to levy and collect an equalization tax and fulfilling the requirements of this section, the county judge of any county which has adopted the county-unit system shall immediately order an election to be held throughout the county in compliance with the terms of the petition.

(b) The petition must be signed by the applicable number of legally qualified taxpaying voters of the county as specified below:

(1) In those counties with a population of fewer than 500,000, according to the last federal census, the petition must be signed by at least 100 properly qualified taxpaying voters.

(2) In those counties with a population of at least 500,000, according to the last federal census, the petition must be signed by a number equal to at least 10 percent of those voting for governor at the last preceding general election.

(c) The petition may pray for authority to levy and collect an equalization tax at any specified rate not in excess of the maximum for the county as set out in Section 18.12 of this code.

#### § 18.08. Order; Notice

(a) If the petition specifies a rate, the county judge shall incorporate that rate in his order; if no rate is specified in the petition, the order of the county shall indicate that the rate shall not be in excess of the maximum under the general law applicable to the county.

(b) The county judge shall give notice of the election by publication of the order at least 20 days prior to said election in some newspaper published in the county.

#### § 18.09. Election

(a) The election shall be held not more than 30 days after the date of the order.

(b) Only legally qualified property taxpaying voters, who own property in the county and who have duly rendered the same for taxation, shall be allowed to vote.

(c) The form of the ballot shall be substantially as follows: If no specific tax rate was set in the petition, the proposition shall read: "For county tax" and "Against county tax." If a specific tax rate was incorporated in the petition, the proposition shall read: "For county tax not

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exceeding \_\_\_\_\_ cents on the \$100 valuation" and "Against county tax not exceeding \_\_\_\_\_ cents on the \$100 valuation."

**§ 18.10. Canvass; Result**

(a) The commissioners court shall, at its next regular meeting, canvass the returns of the election and declare the result.

(b) If a majority of the votes cast shall favor the tax, the court shall certify that fact to the county governing board and to the county tax assessor and collector.

(c) The county governing board, upon receipt of certification of the adoption of the tax, shall be authorized to levy the tax at the rate voted or, if no rate was specified, at a rate not to exceed the maximum for the county as provided in Section 18.12 of this code.

(d) The county tax assessor and collector, upon receipt of certification of the adoption of the tax, shall be authorized to assess and collect the equalization tax as levied by the county governing board.

(e) If a majority of the votes cast oppose the tax, a second election upon the basis of a new petition may be held at any time within two years after the adoption of the county unit system, but if at such second election a majority of the votes cast again oppose the tax, the county unit system shall cease to exist within the county and be reestablished only by a new election as provided in Sections 18.04 and 18.05 of this code.

**§ 18.11. Election to Revoke Tax**

No election to revoke a tax adopted under the provisions of this chapter shall be ordered until the expiration of three years from the date of the election at which the tax was adopted.

**§ 18.12. Maximum Tax Rate**

(a) The county-wide equalization tax which may be authorized by the voters under this chapter shall be assessed at rates not to exceed:

(1) 50 cents on the \$100 property valuation in those counties with a total population of 100,000 or more.

(2) \$1 on the \$100 property valuation in those counties with a total population of fewer than 100,000.

(b) In the event the petition requisite to the calling of a tax election, as specified in Section 18.07 of this code, prays for authority to levy and collect an equalization tax at a specific rate less than the maximum for the county as set out in subsection (a) of this section, the maximum for that county shall be the rate specified in the petition.

**§ 18.13. Assessment and Collection of Tax**

(a) The officers assessing and collecting the county equalization tax shall receive therefor the same compensation as is paid for assessing and collecting school taxes in common school districts.

(b) The county tax assessor shall assess all of the taxable property in the county at the same rate of valuation as it is assessed for state and county purposes.

(c) The county tax collector shall collect the tax at the same time and in the same manner as other state and county taxes are collected.

(d) The county tax collector, before entering upon the duties of his office, shall enter into a bond with two or more good and sufficient sureties, or surety bond, for the protection of the equalization fund. The

bond shall be made payable to the county governing board and shall be made in a sum fixed by the county governing board at not less than double the amount of money belonging to the fund which the tax collector may have in his possession at any time. A similar bond may be required by the county governing board of any and all other persons or corporations in whose possession the equalization funds may be kept.

(e) The tax collector shall have the same authority and the same laws shall apply in the collection of the equalization tax as in the collection of county ad valorem taxes.

(f) The tax collector shall deposit the returns from the equalization tax in a separate fund to be known as the county equalization fund for the support of the public schools of the county.

(g) The tax collector shall, on or about the 10th day of each month, make a report to the county governing board and to the county superintendent showing all money collected by him during the last month by the equalization tax.

(h) The tax collector shall, upon the authorization of the county governing board as provided in Section 18.14 of this code, place to the credit of the common school districts in the county such money as is apportioned to them, the funds to be protected as provided by existing depository laws.

(i) The tax collector shall honor all warrants issued by the county governing board in allocating money from the county equalization fund to independent school districts within the county, and the funds so received by the independent school districts shall be protected in accordance with existing depository laws.

#### § 18.14. Distribution of Equalization Tax Funds

(a) The county governing board shall distribute the moneys collected from the equalization tax according to the provisions of this section.

(b) The funds shall be distributed to the common and independent school districts of the county on a per capita basis according to the number of scholastic pupils shown by the last preceding scholastic census roll approved by the State Department of Education.

(c) Any county-line district shall be eligible to receive its per capita apportionment based upon the number of scholastic pupils residing in the county of the equalization district as shown by the latest official scholastic census of the district.

(d) The county governing board shall issue warrants (on the per capita basis specified above) against the equalization fund to the school district trustees in each district. However, the apportionment may be made by the county governing board either annually or from time to time as the money is collected.

(e) The county superintendent in each county adopting the county unit system and authorizing the assessment and collection of an equalization tax shall keep a record of all money, both received and paid out, from the county equalization fund.

#### § 18.15. Effect on Local School Districts

(a) The adoption of the county unit system under the provisions of this chapter shall not have the effect of changing any duties imposed on or powers conferred on the trustees of any common, independent, or other school district within the county.

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(b) The several common, independent, or other school districts within any county adopting the provisions of this chapter shall continue to have authority to levy, assess, and collect the maintenance taxes which have theretofore or hereafter may be authorized by the property taxpayers of those districts.

(c) The adoption of the provisions of this chapter shall not affect the right and duty of the respective school districts to levy, assess, and collect taxes within respective districts for the payment of principal and interest on the bonded indebtedness of those districts.

(d) No money received by a common, independent, or other school district from the county equalization tax fund shall be used to pay any present or future bond issues of the district or interest thereon.

[Sections 18.16–18.20 reserved for expansion]

**§ 18.21. Petition for Election**

In all counties having a population of 350,000 or more according to the last preceding Federal Census, the County Judge of such counties shall, upon the presentation to him of a petition signed by 150 or more of the qualified property taxpaying voters of such county praying for such an election, order an election for the purpose of submitting to the qualified property taxpaying voters of such county the question of whether or not a tax not to exceed one cent on the 100 Dollars valuation of the taxable property in such county shall be levied, assessed and collected in such county for the purpose of creating an Equalization Fund for the public free schools in such counties, to be expended in the qualization<sup>1</sup> of educational opportunities and in the advancement and administration of the public free schools therein.

1. So in enrolled bill.

**§ 18.22. Order for Election**

Upon the presentation of such petition to the County Judge he shall order an election to be held in such county on the earliest day when a county wide election is being held; and such order shall designate at least one polling place in each school district, or part of school districts, in such county, with such additional polling places as he may deem necessary or advisable, and shall appoint one person, who shall be a qualified voter at such polling place, as presiding officer at such polling place; and such presiding officer may appoint one judge and two clerks to assist in holding such election. The ballots and other election supplies shall be furnished by the Election Board of such County, and such election shall be governed by the General Election Laws, except as may be otherwise provided in this chapter.

**§ 18.23. Notice of Election**

Notice of such election shall be given by publication of such order in a newspaper of general circulation in such county once each week for three consecutive weeks, or by posting notices thereof in three public places in such county for at least 20 days prior to the date of such election or by both such publication and posting.

**§ 18.24. Returns; Declaring Result**

The presiding officer at each polling place shall, within five days from the date of holding such election, make due return thereof to the Commissioners' Court of such county, which shall canvass the returns and de-

clare the result thereof; and if a majority of the qualified property tax-paying voters voting at such an election shall vote in favor of such tax, the Commissioners' Court shall thereupon enter its order upon the minutes of such Court declaring the result thereof, and shall certify such fact to the County School Trustees of such county.

**§ 18.25. Meeting to Determine Tax Required**

If the vote be in favor of such tax, the County School Trustees of such county shall as soon thereafter as practicable hold a meeting for the purpose of determining the amount of money required for equalization purposes, and for the payment of administration expense in such counties, and they shall thereupon make their order setting forth the estimated amount of money required for such purposes, and the rate of tax to be levied to raise such sums, and shall certify the same to the Commissioners' Court; and the Commissioners' Court shall thereupon levy the rate so certified to them by the said County School Trustees, not to exceed the rate fixed by this chapter, and cause such tax to be assessed and collected in the same manner, at the same time, and by the same officers as State and County taxes are now collected.

**§ 18.26. County Equalization Fund**

The tax herein provided for shall constitute a part of the school funds of said counties, and shall never be levied, assessed or collected for any purpose other than those herein specified, and for the advancement of public free schools in such counties; and when collected, it shall be deposited by the Tax Collector in the County Depository in a fund which shall be known as "County Equalization Fund", and a statement of the amounts collected shall be furnished monthly by the Collector to the County School Trustees.

**§ 18.27. Tax Lien**

Such tax, when levied by order of the Commissioners' Court as herein provided, shall be a lien upon all property in such county, and shall be governed by the same laws as govern the levy, assessment and collection of State and County taxes, except as otherwise specially provided herein.

**§ 18.28. Expenditure of Funds**

Such funds shall be expended by the County School Trustees of such counties for the equalization of educational opportunities in such counties, and for the payment of administration expense, upon warrants signed by the President and the Secretary of the County School Trustees; and all such expenditures shall be approved monthly by the County School Trustees; provided, however, no part of such fund shall be expended in any school district which does not levy a tax for school purposes of 75 cents or more on the 100 Dollars value of taxable property in such district.

**§ 18.29. Duties and Powers**

The duties, powers and authorities herein given to the County School Trustees shall be cumulative of all other duties, powers and authorities

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heretofore or hereafter given such Trustees. This law shall not affect the levy, assessment or collection of any other tax heretofore or hereafter levied, assessed or collected in any school district in such counties, and the tax herein provided for shall be in addition to such other tax, or taxes.

**§ 18.30. Payment of Superintendent's Salary and Expense**

(a) In the event that the tax herein provided for shall be authorized by the voters of the county to which this chapter applies, then the County Superintendent's salary and all expenses of maintaining his office shall be paid out of the funds realized from the collection of the tax herein provided for.

(b) Until the tax provided for herein shall be authorized and levied, the salary of the County Superintendent and his assistants, and the expenses of maintaining the office of County Superintendent, shall continue to be paid as otherwise provided by law.

**CHAPTER 19. CREATION, CONSOLIDATION, AND  
ABOLITION OF SCHOOL DISTRICTS**

**SUBCHAPTER A. ENLARGING DISTRICTS BY  
ANNEXING OTHER DISTRICTS**

**Section**

**19.001. Enlarged Districts.**

[Sections 19.005–19.030 reserved for expansion]

**SUBCHAPTER B. CREATION OF COUNTY-WIDE  
COMMON SCHOOL DISTRICTS**

- 19.031. Qualifications.**
- 19.032. Petition for Election: Order.**
- 19.033. Election.**
- 19.034. Canvass: Order.**
- 19.035. Election of Trustees.**
- 19.036. Status of District.**

[Sections 19.037–19.060 reserved for expansion]

**SUBCHAPTER C. CREATION OF COUNTY-WIDE  
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- 19.061. Qualifications.**
- 19.062. Petition.**
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INDEPENDENT SCHOOL DISTRICTS—Continued****Section**

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[Sections 19.168–19.200 reserved for expansion]

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DISTRICT TO INDEPENDENT SCHOOL DISTRICT**

**Section**

- 19.201. Qualifications.
- 19.202. Petition.
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[Sections 19.246–19.260 reserved for expansion]

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- 19.261. Detachment and Annexation.
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[Sections 19.264–19.300 reserved for expansion]



**SUBCHAPTER J. EXTENSION OF MUNICIPAL BOUNDARIES****Section**

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[Sections 19.369–19.400 reserved for expansion]

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**SUBCHAPTER A. ENLARGING DISTRICTS  
BY ANNEXING OTHER DISTRICTS**

**Section 19.001. Enlarged Districts**

(a) The county school trustees or county boards of education, as the case may be, in any county in this State, shall have the authority to create enlarged districts by either of the following methods:

(1) By annexing one or more common school districts or one or more independent school districts having a scholastic population of less than 250 to a common school district having 400 or more scholastic population.

(2) By annexing one or more common school districts or one or more independent school districts having a scholastic population of less than 250 to an independent school district having 150 or more scholastic population.

(b) An enlarged district created by the method described in Subsection (a)(1) of this section shall be classified as a common school district; an enlarged district created by the method described in Subsection (a)(2) of this section shall be classified as an independent school district.

[Sections 19.005–19.030 reserved for expansion]

**SUBCHAPTER B. CREATION OF COUNTY-WIDE COMMON SCHOOL DISTRICTS**

**§ 19.031. Qualifications**

A county-wide common school district may be created, under the terms of this subchapter, in any county in the State meeting all of the following qualifications:

(1) The county must have a scholastic population of fewer than 600 as shown by the last scholastic census on file in the State Department of Education.

(2) The county must not embrace the whole or any part of an independent school district.

(3) There must be no outstanding indebtedness against any common school district in the county.

(4) The county must have an assessed property valuation of less than \$6,000,000.

**§ 19.032. Petition for Election: Order**

(a) The county judge, when petitioned by 50 or a majority of the legally qualified property taxpaying voters of any county meeting the qualifications specified in Section 19.031 of this code, shall order an election to be held throughout the county for the purpose of determining whether a majority of the legally qualified property taxpaying voters residing in the county shall favor the creation of a common school district embracing the entire county.

(b) The petition and order for the election shall state that the purpose is to create a common school district embracing the entire county.

(c) The order for the election must be issued and public notice thereof given, as in other school elections, for not less than three weeks prior to the date at which the election is to be held.

(d) It shall not be necessary for either the petition or the order to state the metes and bounds of the district proposed to be created.

#### § 19.033. Election

(a) The election to determine whether to create a common school district embracing the entire county shall be held at the usual voting places in each election precinct in the county and shall be conducted under the general election laws of this state.

#### § 19.034. Canvass: Order

(a) The commissioners court shall, either at a regular or a special session, canvass the returns of the election and declare the results.

(b) If it is found that a majority of the legally qualified property tax-paying voters, voting at the election, are in favor of the creation of a common school district embracing the entire county, the commissioners court shall enter an order creating the common school district embracing the entire county and abolishing all common school districts existing prior thereto.

(c) It shall not be necessary for the order creating the district to state the metes and bounds of the county.

#### § 19.035. Election of Trustees

(a) When any common school district embracing an entire county has been created as provided in this subchapter, the county judge shall immediately order an election for the election of three trustees for the school district.

(b) The county judge shall give public notice of the election by posting notices thereof at each voting place in the county not less than 20 days before the date at which the election is to be held.

(c) The county judge shall appoint for the election for each precinct in the county a presiding officer, who shall be authorized to appoint two clerks to assist him in the conduct of the election.

(d) Any person seeking election as trustee of the county-wide district shall, not less than 10 days before the election, apply in writing to the county judge to have his name placed on the ballot.

(e) The county judge shall order the preparation of the necessary number of ballots containing the names of each person applying as a candidate for trustee.

(f) The election shall be held at the usual voting places in each voting precinct in the county and shall be conducted in compliance with the general laws relating to common school district elections.

(g) The officers holding the election shall make returns thereof to the county judge within five days after the election. The commissioners court at its next regular or special session shall canvass the returns and declare the results of the election.

#### § 19.036. Status of District

Any county-wide common school district created under the terms of this subchapter shall be governed as other common school districts as provided in Chapter 22 of this code,<sup>1</sup> and shall have all the rights and privileges of other common school districts heretofore created or which may hereafter be created under the general laws of this State.

1. Section 22.01 et seq.

[Sections 19.037–19.060 reserved for expansion]

**SUBCHAPTER C. CREATION OF COUNTY-WIDE INDEPENDENT  
SCHOOL DISTRICTS**

**§ 19.061. Qualifications**

A county-wide independent school district may be created, under the terms of this subchapter, in any county in the state meeting all of the following qualifications:

(1) The county must have a scholastic population of not more than 2,500.

(2) Not more than two school districts, either two common school districts or two independent school districts or one common school district and one independent school district, shall have conducted schools within the past two years.

**§ 19.062. Petition**

Whenever it is desired that any county meeting the qualifications of Section 19.061 of this code be created into a single independent school district, there shall be presented to the county judge a petition which shall:

(1) be signed by either a majority of the members of the board of trustees of the common and/or independent school districts within the county or by 20 qualified voters or a majority of the qualified voters of each of the common and/or independent school districts within the county;

(2) state that the purpose is to create an independent school district embracing the entire county; and

(3) provide that in the event a county line district, either common or independent, shall exist in the county, such county line district shall be excepted from the proposed county-wide independent school district and the provisions hereof.

**§ 19.063. Election Order; Notice**

Upon the presentation of a petition fulfilling the qualifications of Section 19.061 of this code, the county judge shall:

(1) order an election to be held throughout the county on a date not less than 21 days nor more than 30 days after the date of the filing of the petition; and

(2) cause notice of the election to be given by posting a substantial copy of the election order in a public place in each common and/or independent school district in the county not less than 15 days prior to the date fixed for the election.

**§ 19.064. Election**

(a) The election shall be held at the usual voting place or places in each of the several districts in the county and shall be conducted under the general election laws of the state unless otherwise provided herein.

(b) The commissioners court shall at any regular or special session after the election canvass the return of the election and declare the result thereof.

**§ 19.065. Order Creating District**

If it is found that a majority of the legally qualified voters voting in the election favor the creation of a county-wide independent school district, the commissioners court shall pass an order which shall:

(1) create the independent school district embracing the entire county and abolish all common and/or independent school districts participating in the election; and

(2) declare the boundaries of the county-wide independent school district to be co-extensive with the boundaries of the county or, in the event a county line school district exists within the county, define the boundaries of the county-wide independent school district by metes and bounds, excluding the county line district.

**§ 19.066. Appointment of Initial Trustees**

(a) The trustees of an independent school district embracing an entire county shall be selected as provided in this section and Section 19.067 of this code.

(b) Immediately following the election at which it was determined to create a county-wide independent school district, the county judge shall provide for the organization of the district within 10 days thereafter by appointing seven trustees as follows: One trustee shall be appointed from each of the four commissioners precincts within the county, and three trustees shall be appointed from the county at large.

**§ 19.067. Election of Trustees**

(a) The first election for trustees shall be called by the county judge, shall be held on the first Saturday in April of the year following the election at which the county-wide independent school district was created and shall be conducted as provided by this section.

(b) Each elector in the county shall be permitted to vote for one board member from the commissioners precinct in which the elector and the candidate reside and shall be permitted to vote for three candidates from the county at large.

(c) The commissioners court shall appoint election judges and assistants, cause ballots to be printed and distributed, canvass the votes, declare the results of the election, notify the persons elected, and call a meeting of the new board of trustees on a date not more than 10 days after the results of the election are determined.

(d) The seven trustees first elected shall determine by lot which shall serve for a term of one year and which for a term of two years. Those drawing numbers 1, 2, and 3 shall serve for a term of one year, and those drawing numbers 4, 5, 6, and 7 shall serve for a term of two years.

(e) All subsequent elections of trustees shall be called by the board of trustees in the manner provided in this code for trustee elections in independent school districts. The elections shall be held on the first Saturday in April of each year at places in each commissioners precinct designated by the board of trustees. Each year, either three or four trustees, as the case may be, shall be elected for a term of two years.

**§ 19.068. Trustees; Powers, Etc.**

(a) The boards of trustees of independent school districts established under this subchapter, whether appointed or elected, shall have all the powers, rights, duties, privileges, and qualifications granted in or re-

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quired by the general provisions of this code relating to independent school districts.

(b) The board of trustees shall have general management and control of all schools situated or established in the districts, including management of the business affairs of the district and selection of teachers.

(c) The boards of trustees shall have all rights and powers of taxation as provided for independent school districts, including assessing and valuing property for taxation, fixing tax rates, and issuing bonds.

(d) The boards of trustees shall have any other rights and powers now held and exercised by boards of trustees of independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

**§ 19.069. Taxes**

(a) The maintenance and bond taxes and assessed valuations in each of the several component districts existing at the time of the creation of the independent school district embracing the entire county shall continue as authorized and approved until such time as an election shall have been held equalizing the maintenance tax and assuming the bonded indebtedness of the several component school districts making up the county-wide independent school district.

(b) Elections for the levying of taxes, assumption of debt, and issuance of bonds shall be called, held, and determined in accordance with the provisions governing such elections in independent school districts as provided in Subchapter O of this chapter<sup>1</sup> or in Chapter 20 of this code.<sup>2</sup>

(c) The laws governing the assessing and collecting of taxes, issuance of bonds (new or refunding), in independent school districts shall be applicable to independent school districts created under this subchapter.

1. Section 19.461 et seq.

2. Section 20.01 et seq.

**§ 19.070. County Governing Board Not Required**

No county school trustees or county boards of education shall be required in those counties which create county-wide independent school districts under the terms of this subchapter.

[Sections 19.071–19.100 reserved for expansion]

**SUBCHAPTER D. COUNTY-LINE DISTRICTS**

**§ 19.101. Creation of County-Line Common School Districts**

(a) The county school trustees and/or county boards of education of two or more adjoining counties shall have the authority, in compliance with the provisions of this section, to create common school districts to contain territory in two or more counties.

(b) No county-line common school district shall be created with or changed to an area less than nine square miles.

(c) Each county-line common school district shall be laid out in as near the shape of a square as possible, and in no event shall the length of the district be greater than one and one-half times its width.

(d) The county governing board of each county having territory included in the proposed district shall pass an order which shall:

(1) describe by metes and bounds the territory to be included in the district;

(2) give the course and direction with the exact length of each line contained in the description and locate each corner called for upon the ground;

(3) give the acres of each survey and parts of surveys of lands included in the district;

(4) include a map showing the conditions upon the ground as described in the field notes and giving the number of acres of land contained in each survey and parts of surveys contained in each county;

(5) show the exact position and location of the county line in the territory proposed to be created into a county-line district; and

(6) designate and name one of the counties having territory included in the description of the proposed district which shall manage and have control of the public schools of the county-line district for all school purposes.

(e) The proposed district shall be deemed created and established when the order described in Subsection (d) of this section has been passed by the county governing board of each county having territory included therein.

#### § 19.102. County-Line Rural High School Districts

(a) The county school trustees and/or county boards of education of two or more adjoining counties shall have the authority, upon the written order of a majority of the members of the governing board of each county concerned, to establish county-line rural high school districts. The order shall designate the county which shall have supervision of the county-line rural high school district.

(b) A county line rural high school district, so established, shall be governed in all respects as other rural high school districts as provided in Chapter 25 of this code.<sup>1</sup>

1. Section 25.01 et seq.

#### § 19.103. Joint Maintenance

The county governing boards of each county having territory included within a county-line district shall have power to provide jointly for the maintenance of the county-line school.

#### § 19.104. Voter Qualifications

All persons who are otherwise qualified to vote in an election involving a school district question and who reside in a county line school district shall be entitled to vote at any such election involving the school district regardless of whether or not such voters reside in the county having management and control of the county line district.

#### § 19.105. Conversion of County-Line Rural High School Districts Into Independent School Districts

(a) Any county-line rural high school district in which there is maintained an accredited school system of 12 grades, including a high school offering 16 or more credits, may be converted into an independent school district as prescribed by this section.

(b) A petition signed by 20 or a majority of the qualified property tax-paying voters residing in the district and praying for an election to determine whether the rural high school district shall be incorporated for free school purposes only shall be presented to the county judge of the county in which the greater or greatest area of the district lies.

(c) Upon receipt of the petition, the county judge shall issue an order calling for an election to be held throughout the district not less than 20

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nor more than 30 days from the date of filing the petition, for the purpose of converting the rural high school district into an independent school district for school purposes.

(d) After the election is held, the commissioners court of the county in which the greater or greatest area of the district lies shall canvass the returns and declare the result of the election.

(e) If a majority of the votes cast favor the change from a rural high school district into an independent school district, the commissioners court shall:

(1) enter its order incorporating the independent school district; and

(2) cause a certified copy of the order to be recorded by the county clerks in the deed records of the counties having territory within the district.

(f) An independent school district created under the provisions of this section shall be regarded as duly incorporated for free school purposes only and shall be vested with all the rights, powers, and privileges conferred and imposed upon independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

(g) Whenever any independent school district is incorporated under this section, the members of the board of trustees of the rural high school district shall maintain their status as trustees of the newly incorporated independent school district and shall continue to serve until their respective terms of office expire.

(h) The titles and rights to all property owned, held, set apart, or in any way dedicated to the use of the public schools of the elementary school districts comprising the rural high school district for school purposes only, shall be vested in the board of trustees of the independent school district, after incorporated under this section, and shall be managed and controlled by the board of trustees, as is now or may hereafter be provided by law.

(i) All bonds issued by and outstanding against the rural high school district, as a school district, and all obligations, contracts, and indebtedness existing against the rural high school district, shall become the obligations and debts of the independent school district at the time of its incorporation.

1. Section 23.01 et seq.

**§ 19.106.    Creation of County-Line Independent School Districts**

(a) Independent school districts may be created containing territory within two or more counties by the same procedure that towns and villages are created by law for municipal purposes, except that the map required by the statute governing municipal incorporations shall also show the correct location and position of the county-line or lines involved in the incorporation of the independent school district.

(b) An incorporated free school district containing territory in two or more counties shall have all the rights, powers and privileges granted to any other incorporations for free school purposes only.

(c) The same modes, manners, and methods of government and procedure provided by Chapter 23 of this code<sup>1</sup> for independent school districts shall govern the management and control of incorporated school districts containing territory within two or more counties.

1. Section 23.01 et seq.

[Sections 19.107–19.130 reserved for expansion]



**SUBCHAPTER E. RURAL HIGH SCHOOL DISTRICTS—CREATION, CONVERSION, ETC.****§ 19.131. Establishment of Rural High School Districts**

The county school trustees or county board of education, as the case may be, in each county in this state shall have the authority to form one or more rural high school districts by grouping contiguous common school districts having fewer than 400 scholastic population and independent school districts having fewer than 250 scholastic population.

**§ 19.132. Limitations**

No rural high school district shall contain a greater area than 100 square miles or more than 10 elementary school districts, except that:

(1) The county school trustees or county board of education may create a rural high school district containing more than 100 square miles when so authorized by the vote of a majority of the qualified electors in the proposed rural high school district voting at an election called for that purpose.

(2) The county school trustees or county board of education may create a rural high school district containing more than 10 elementary districts when so authorized by the vote of a majority of the qualified electors of each elementary district in the proposed rural high school district voting at an election called for that purpose.

**§ 19.133. Status**

A rural high school district shall be classified as a common school district, and all other districts, whether common or independent, composing the rural high school district shall be referred to as elementary school districts.

**§ 19.134. Transfer of Control**

The board of trustees of each elementary school districts grouped or included to form a rural high school district, as hereinabove provided, shall continue in control of its respective district until the close of the current scholastic year, but it shall make no contract affecting the expenditure of any school funds subsequent to September 1 nor shall it have any authority in the management and control of the schools of the district after September 1. The board of trustees for the rural high school district shall, immediately upon its organization, proceed to make contracts for the operation of all schools under its control.

**§ 19.135. Conversion of Rural High School District Into Independent School District**

(a) A rural high school district in which there is maintained an accredited school system of 12 grades, including a high school offering 16 or more credits, may be converted into an independent school district as prescribed by this section.

(b) A petition signed by 20 or a majority of the qualified property tax-paying voters residing in the district and praying for an election to determine whether the rural high school district shall be incorporated for free school purposes only shall be presented to the county judge.

(c) Upon receipt of the petition, the county judge shall issue an order calling for an election to be held not less than 20 nor more than 30 days

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from the date of filing the petition, for the purpose of converting the rural high school district into an independent school district for school purposes.

(d) After the election is held, the commissioners court shall canvass the returns and declare the result of the election.

(e) If a majority of the votes cast favor the change from a rural high school district into an independent school district, the commissioners court shall:

(1) enter its order incorporating the independent school district; and

(2) cause a certified copy of the order to be recorded by the county clerk in the deed records of the county.

(f) An independent school district created under this section shall be regarded as duly incorporated for free school purposes only and shall be vested with all the rights, powers, and privileges conferred and imposed upon independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

(g) When any independent school district is incorporated under the terms of this section, the members of the board of trustees of the rural high school district shall maintain their status as trustees of the newly incorporated independent school district and shall continue to serve until their respective terms of office expire.

(h) The titles and rights to all property owned, held, set apart, or in any way dedicated to the use of the public schools of the elementary school districts comprising the rural high school district for school purposes only, shall, after incorporating under this section, be vested in the board of trustees of the independent school district, and shall be managed and controlled by the board of trustees as is now or may hereafter be provided by law.

(i) All bonds issued by and outstanding against the rural high school district, as a school district, and all obligations, contracts, and indebtedness existing against the rural high school district, shall become the obligations and debts of the independent school district at the time of its corporation.

1. Section 23.01 et seq.

**§ 19.136. Abolition of Rural High School District**

(a) The county school trustees or county board of education, as the case may be, shall have the authority to abolish a rural high school district on a petition signed by a majority of the voters of each elementary school district composing the rural high school district.

(b) When a rural high school district has been abolished, each district of which it was composed shall revert back to its original status with the exception that, in the event there is any outstanding indebtedness against the rural high school district, each component district shall assume its proportional part of the debts, bonded or otherwise.

[Sections 19.137–19.160 reserved for expansion]

**SUBCHAPTER F. MUNICIPAL SCHOOL DISTRICTS—CREATION  
BOUNDARY CHANGES, CONVERSION, ETC.****§ 19.161. City May Acquire Control of Schools**

(a) Any city or town in this state may acquire the exclusive control of the public free schools within its limits by a majority vote of the property taxpaying voters of the city or town voting at an election held for that purpose as herein provided.

(b) A petition, signed by not less than 50 of the qualified electors of the city or town and requesting an election to determine whether the city or town shall acquire the exclusive control of the public free schools within its limits, shall be presented to the mayor.

(c) Upon receipt of the petition, the mayor shall order an election to be held at a date within 20 days thereafter.

(d) The election shall be conducted as other municipal elections; and if a majority of the votes cast favor the proposition, the city or town shall by ordinance duly passed and entered of record, assume control and management of the public free schools within its limits. Not more than one election shall be held in any one calendar year to determine the question.

**§ 19.162. Transfer of Control From District to City**

(a) Any independent school district including within its limits a city or town incorporated for municipal purposes under the laws of this State may transfer the control and management of the school district to the incorporated city or town as prescribed by this section.

(b) A petition, signed by as many as 50 or a majority of the resident qualified voters of the independent school district and requesting an election on the proposition of whether the public free schools of the district should be assumed and controlled by the incorporated city or town, shall be presented to the board of trustees of the independent school district.

(c) Upon receipt of the petition, the board shall order an election to be held at the usual voting places within the district at a date within 20 days thereafter.

(d) The election shall be ordered and held in conformity with the law governing tax and bond elections in independent school districts, as provided in Section 20.04 of this code, except that the qualified electors need not be property taxpayers but need only qualify to vote under the laws of this State regulating general elections.

(e) The ballot for use at the election shall have printed thereon the words: "For assuming control of the public free school of \_\_\_\_\_ Independent School District by the city of \_\_\_\_\_, Texas," and "Against assuming control of the public free school of \_\_\_\_\_ Independent School District by the city of \_\_\_\_\_, Texas."

(f) If a majority of the qualified voters voting at the election vote in favor of the proposition, the board of trustees of the independent school district shall certify the results of the election to the governing authority of the incorporated city or town, together with a certified copy of the record showing all the proceedings had in the incorporation of the independent school district and all boundary extensions thereto, if any, and a well-defined map accurately showing the territory described in the record.

(g) If the governing authority of the city or town finds that the election has been in all respects lawfully held and the returns thereof duly and legally made, then it shall, by ordinance duly passed and entered of record, assume control and management of the public free schools within its limits and perform such other duties as may be required of it by this code.

(h) If the boundaries of the independent school district do not coincide with the boundaries of the incorporated city or town, the city governing body shall on the same day pass an ordinance extending its corporate line for school purposes only so that the same shall coincide with and embrace the same territory as the independent school district.

(i) If the independent school district shall have an outstanding bonded indebtedness, the incorporated city or town shall become liable and bound for the payment of such indebtedness, and the governing body of the city or town shall levy and cause to be assessed and collected, upon all property subject to taxation within the limits of the incorporated city or town or within the limits of the corporation as extended for school purposes only, taxes to pay interest on such bonds and to provide a sinking fund sufficient to redeem the same at maturity. Such tax shall thereafter be annually levied and collected so long as the bonds, or any of them, are outstanding and unpaid.

(j) If the independent school district had previously authorized a maintenance tax, the assumption of the control and management of the schools of the district shall not abrogate or affect such tax, and the maintenance tax shall thereafter be annually levied, assessed, and collected by the proper authorities of the incorporated city or town until increased or changed by the qualified voters in conformity with the provisions and requirements of Chapter 20 of this code.<sup>1</sup>

(k) The trustees of the independent school district serving at the time of the assumption of the control of the schools of the district by the incorporated city or town shall continue to serve until the expiration of their terms of office; subsequent trustees shall continue to be elected in compliance with the general law relative to the election of trustees of independent school districts as provided in Chapter 23 of this code.<sup>2</sup>

1. Section 20.01 et seq.

2. Section 23.01 et seq.

#### § 19.163. Status of District

Municipal school districts, established under either Section 19.161 or Section 19.162 of this code shall be classified as independent school districts and shall operate and be governed according to the general laws relative to independent school districts, as provided in Chapter 30 of this code,<sup>1</sup> except insofar as such laws are modified by the specific provisions relative to municipal school districts as contained in Chapter 24 of this code.<sup>2</sup>

1. Should read "Chapter 23 of this code".

See section 23.01 et seq.

2. Section 24.01 et seq.

#### § 19.164. Extension of Boundaries

(a) Any city or town which has assumed control of its schools and become a municipal school district under the terms of Section 19.161 of this code or under prior statutory authority may extend its corporation lines for school purposes only under the provisions of this section.

(b) A petition signed by a majority of the resident qualified voters of the territory seeking to be included in the municipal school district shall be presented to the board of trustees of the municipal school district.

(c) If the extension of boundaries is recommended by a majority vote of the board of trustees of the municipal school district, the governing body of the city may, by ordinance and on the conditions prescribed by this section, extend its boundaries for school purposes only.

(d) The proposed change in boundaries shall not deprove<sup>1</sup> the scholastic children of the remaining part of any common or independent school district which may be affected by the proposed change of the opportunity of attending school.

(e) The added territory shall bear its pro rata part according to taxable values of any obligation owed by the municipal school district, but shall not bear any part of any other debt owed or contracted by the town or city. The property of the added territory shall bear its pro rata part of all school taxes but of no other taxes. The added territory shall not affect the city's debts or business relations in any manner whatsoever except for school purposes.

(f) The officers whose duty it is to assess and collect school taxes within the city limits shall also assess and collect school taxes within the territory added for school purposes only.

(g) When hereafter an entire territory of a contiguous district or districts is added for school purposes only, under the provisions of this section, the extended city control district shall be regarded as eligible for incentive aid to the extent and under the conditions prescribed in Section 00.00 of this code.<sup>2</sup>

1. So in enrolled bill.

2. Probably should read "Article 2815—4 of Vernon's Texas Civil Statutes".

#### § 19.165. Disannexation of Territory

(a) Any territory added to a municipal school district for school purposes only and outside the municipal limits of the city or town may be disannexed under the terms and conditions of this section.

(b) A petition signed by a majority of the persons owning property in the territory proposed to be disannexed shall be presented to the board of trustees of the municipal school district.

(c) If the board of trustees consents to the disannexation, the governing body of the city or town may by ordinance disannex the territory, in which event:

(1) The governing body of the city or town shall notify the county school trustees or county board of education of the county in which the disannexed territory is situated by sending to the commissioners court a copy of the disannexation ordinance.

(2) The liability of the disannexed territory for any obligations of the municipal school district shall be adjusted in the manner provided in Subchapter N of this chapter.<sup>1</sup>

(3) The disannexed territory shall ipso facto immediately become a part of the adjoining school district other than that from which it has been disannexed, or if the disannexed territory adjoins more than one other district, the disannexed territory shall become a part of the adjoining district designated to receive the territory by the county school trustees or county board of education.

1. Section 19.431 et seq.

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**§ 19.166. Separation From Municipal Control and Conversion to Independent School District**

(a) Any municipal school district, established either under the terms of Section 19.161 of this code or under any other prior statutory authority, may be separated from municipal control so that the school corporation shall become and be an independent school district, without the dual character theretofore possessed by the school corporation and the city or town, under the provisions of this section.

(b) A petition signed by 100 or more of the resident qualified voters of the municipal school district and/or city or town and praying for an election on the proposition of whether or not the public schools shall be divorced from municipal control shall be presented to the board of trustees of the municipal school district. The board of trustees of the municipal school district shall certify the petition to the governing body of the city or town.

(c) Upon receipt of the petition and certification, the governing body of the city or town shall fix a date not more than 10 days thereafter for the holding of a joint meeting of the governing body of the city or town and the board of trustees of the municipal school district. At the joint meeting, the governing body of the city or town and the board of trustees of the municipal school district, acting jointly as one body, the mayor or chairman of the governing body presiding, shall order an election as prayed for in the petition.

(d) The election shall be held not more than 30 days nor less than 10 days thereafter. At least 10 days notice of the election shall be given.

(e) Every person who has attained the age of 21 years and who has resided within the limits of the municipal school district for the six months next preceding the date of election and who is a qualified elector under the laws of this State shall be entitled to vote.

(f) The ballots for use at the election shall have printed thereon the words: "For the separation of the public schools from municipal control," and "Against the separation of the public schools from municipal control."

(g) In all respects not specifically covered herein, the election shall be conducted as nearly as possible in compliance with the law with reference to regular city elections in the town or city.

(h) The governing body of the city or town shall immediately canvass the returns of the election and certify the results to the board of trustees of the municipal school district, together with a certified copy of the record showing all proceedings in respect of the election.

(i) If a majority of the qualified voters, voting at the election in the municipal school district, vote in favor of the separation of the public schools from municipal control and if the board of trustees of the school district finds that the election has been in all respect lawfully held and the returns thereof duly and legally made to the governing body of the city or town, the board of trustees shall by resolution duly passed and entered of record, declare that the public schools of the municipal school district have been separated from municipal control and that the corporate name of the school district shall thereafter be "\_\_\_\_\_ Independent School District," inserting the name of the city or town.

(j) If the proposition shall be defeated at the election, then no election for that purpose shall be ordered until after the expiration of one year from the date of the previous election.

(k) The separation of the schools from municipal control shall produce the following results:

(1) The school district shall have all the powers conferred upon independent school districts by the constitution and laws of the state, including the rights to assess, levy, and collect taxes and issue bonds for school purposes.

(2) Any and all maintenance and/or bond taxes previously voted, authorized, and/or levied on the taxable properties situated within the limits of the municipal school district shall be continued in full force by the independent school district.

(3) The board of trustees of the independent school district shall consist of seven members.

(4) The members of the board of trustees of the municipal school district shall continue as members of the board of trustees of the independent school district until the terms for which they have been elected or appointed, as the case may be, shall have expired or until their successors have been elected or qualified.

(5) In the event the board of trustees of the municipal school district consisted of fewer than seven members, those serving shall appoint a sufficient number of new trustees to bring the total membership of the board to seven members, the appointees to serve in accordance with the general law governing the election and tenure of office of independent school district trustees.

(6) At the expiration of the terms of office of the existing trustees, election of trustees shall be held in compliance with the general law relating to the election of trustees in independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

(7) The title and rights to all property owned, held, set apart or in any way dedicated to the use of the public schools of the city or town, and/or heretofore vested in such city or town and/or the mayor, chairman of the commission, city council, city commission or board of school trustees of the city or town, prior to separation from municipal control, shall be vested in the board of trustees of the independent school district and shall be managed and controlled by the board of trustees as provided in Chapter 23 of this code.

(8) All bonds issued by and outstanding against the city or town, as a school district, and all obligations, contracts and indebtedness existing against the city or town, as a school district, shall become the obligations and debts of the independent school district at the time of its separation from municipal control. The independent school district, after separation from municipal control, shall be held to have assumed the discharge of all such obligations, contracts and indebtedness, and the same shall be enforceable and collectible from, paid off and discharged by, the independent school district; and it shall not be necessary to call an election within and for such district for the purpose of assuming such bonds and other indebtedness.

1. Section 23.01 et seq.

#### **§ 19.167. Separation From Municipal Control and Conversion to Common School District**

(a) Any municipal school district, established either under the terms of Section 19.161 of this code or under any other prior statutory authority, may be separated from municipal control and become a common school

(b) A petition signed by 100 or more of the resident qualified voters of the municipal school district and praying for an election on the proposition of whether or not the public schools shall have divorced from municipal control, shall be presented to the board of trustees of the municipal school district. The board of trustees of the municipal school district shall certify the petition to the governing body of the city or town.

(d) The election shall be held not more than 30 days nor less than 10 days thereafter. At least 10 days notice of the election shall be given.

(f) The ballots for use at the election shall have printed thereon the words: "For the separation of the public schools from municipal control and converting same into a common school district," and "Against the separation of the public schools from municipal control and converting same into a common school district."

(h) The governing body of the city or town shall immediately canvass the returns of the election and certify the results to the board of trustees of the municipal school district, together with a certified copy of the record showing all proceedings in respect of the election.

(j) If the proposition shall be defeated at the election, then no election for that purpose shall be ordered until after the expiration of one year from the date of the previous election.

(1) The members of the board of trustees of the municipal school district shall continue to serve as the board of trustees of the common school district until a special election can be held for choosing



their successors and until such successors have been duly elected and qualified.

(2) The commissioners court of the county, pursuant to its duties in connection with common school districts, shall order an election for the purpose of naming a board of trustees of the school district as provided in Section 22.00<sup>1</sup> of this code.

(3) The elected trustees of the common school district shall conduct the affairs of the district as provided in Chapter 22 of this code.<sup>2</sup>

(4) The title and rights to all property owned, held, set apart or in any way dedicated to the use of the public schools of the city or town, and/or heretofore vested in the city or town and/or the mayor, chairman of the commission, city council, city commission, or board of school trustees of the city or town prior to separation shall be vested in the board of trustees of the common school district.

(5) All bonds issued by and outstanding against the city or town as a municipal school district, and all obligations, contracts, and indebtedness existing against the city or town as a municipal school district shall become the obligations and debts of the school district at the time of its separation from municipal control, and the same shall be enforceable and collectible from, paid off and discharged by the common school district as if originally created by it as a common school district; and it shall not be necessary to call an election within and for such district for the purpose of assuming such bonds and other indebtedness.

1. So in enrolled bill.
2. Section 22.01 et seq.

[Sections 19.168–19.200 reserved for expansion]

## SUBCHAPTER G. CONVERSION OF COMMON SCHOOL DISTRICT TO INDEPENDENT SCHOOL DISTRICT

### § 19.201. Qualifications

(a) Any common school district possessing the qualifications specified below may, by the method herein provided, form an incorporation for free school purposes only and become an independent school district.

(b) In order to become an independent school district under the terms of Sections 19.202–19.205 of this code, the common school district must:

- (1) have 165 inhabitants or more;
- (2) contain an area of not less than 83 square miles;
- (3) have an assessed property valuation of not less than \$3,000,000; and
- (4) not include within its bounds any municipally incorporated town or village which has assumed control of the public free schools within its limits.

### § 19.202. Petition

Whenever it is desired that any common school district possessing the qualifications set out in Section 19.201 of this code become incorporated, there shall be presented to the county judge a petition which shall:

- (1) be signed by 20 or a majority of the resident qualified voters of the common school district;
- (2) contain a definite description by metes and bounds of the common school district proposed to be incorporated;

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(3) recite the name by which the independent school district should be known;

(4) pray for an election to determine whether the common school district shall be incorporated as an independent school district; and

(5) pray for the election of seven trustees.

**§ 19.203. Election Order; Notice**

(a) If the county judge finds that the petition fulfills the requirements of Section 19.202 of this code and that the facts contained therein are true, he shall:

(1) enter his order upon the minutes of the commissioners court granting the petition;

(2) specify in the order the place or places and a date, within 20 days of the order, at which the election shall be held;

(3) appoint in the order a presiding officer for the place of each of the places of election;

(4) describe in the order the proposition to be submitted together with a definite description by metes and bounds of the common school district proposed to be incorporated;

(5) issue a notice of the election stating in substance the contents of the election order and the time and place or places of the election; and

(6) cause the sheriff not less than 10 days prior to the date set for the election to post a copy of the notice of election in three different public places within the boundaries of the common school district as described in the election order.

(b) Whenever the county judge shall enter his order for an incorporation election, as provided above, he shall at the same time order an election to be held for the selection of a board of trustees to consist of seven members. Notice of the election for trustees shall be given the same time and in the same manner as provided for the giving of notice for the incorporation election. The election of trustees shall be held at the same time, under the same rules, and by the same officers as the incorporation election.

**§ 19.204. Election**

The election shall be held under the provisions of the laws of this State regulating general elections except as otherwise provided herein. Only qualified voters who are residents of the common school district proposed to be incorporated shall be entitled to vote. The officers holding the election shall make returns of the results thereof to the county judge. The county judge shall canvass the returns and declare the results of the election.

**§ 19.205. Incorporation; Trustees; Organization**

(a) If a majority vote favors the incorporation of the district, the county judge shall enter upon the minutes of the commissioners court an order incorporating the school district and cause the county clerk to record a certified copy of the order in the deed records of the county. The independent school district shall thereafter be regarded as duly incorporated for free school purposes only and shall be vested with all the rights, powers, and privileges conferred and imposed upon independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

(b) The county judge shall issue his certificate of election to each of the seven candidates for the office of trustee who received the greatest number of votes cast. Upon the issuance of the certificate of election and the taking by the trustees of the official oath of office the trustees shall be deemed to have qualified and shall immediately enter upon the discharge of their duties.

(c) The trustees elected at the incorporation election shall organize as provided in Chapter 23 of this code but shall hold office only until the first Saturday in April next succeeding and until their respective successors have been duly elected and qualified.

(d) Upon notice to the commissioner of education, the independent school district shall be entitled to receive the share of the available school fund to which the district is entitled. No incorporated town or village included within the boundaries of the independent school district may thereafter acquire any right to take or assume control of the public free schools within its limits.

1. Section 23.01 et seq.

#### § 19.206. Conversion of District With 12-Grade School

(a) Any common school district in which there is maintained a accredited school of 12 grades, including a high school offering 16 or more credits, may become an independent school district under the terms of this section.

(b) A petition signed by 20 or a majority of the legally qualified property taxpaying voters residing in the common school district and praying for an election to determine whether the common school district shall be incorporated shall be presented to the county judge.

(c) Upon receipt of the petition, the county judge shall issue an order calling for an election to be held not less than 20 nor more than 30 days from the date of the filing of the petition for the purpose of determining whether the common school district shall be converted into an independent school district.

(d) After the election is held, the commissioners court shall canvass the returns thereof as in other similar elections and declare the results thereof. If the majority of the votes cast favor the change from common school district to independent school district, the county school trustees or county board of education, as the case may be, shall:

(1) pass such order or orders as may be necessary creating the independent school district; and

(2) appoint a board of seven members, all of whom shall possess the qualifications of school trustees and all of whom shall serve until the next regular trustee election under the laws of this state, at which time seven members shall be elected.

#### § 19.207. Law Governing District

Any independent school district established in compliance with this subchapter shall be governed and controlled as provided in Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

[Sections 19.208–19.230 reserved for expansion]

**SUBCHAPTER H. CONSOLIDATION OF SCHOOL DISTRICTS**

**§ 19.231. Districts Which May Consolidate**

(a) Subject to the limitation of Subchapter K of this chapter,<sup>1</sup> any of the following groups of school districts may, by the procedure described in this subchapter, consolidate into a single school district:

(1) two or more contiguous common or county-line common school districts;

(2) two or more contiguous independent or county-line independent school districts;

(3) one or more independent or county-line independent school districts and one or more common or county-line common school districts constituting as a whole one continuous territory;

(4) a rural high school district and one or more contiguous common or county-line common school districts; or

(5) one or more rural high school districts and one or more independent or county-line independent school districts, where all of the districts constitute as a whole one continuous territory.

(b) The combined districts may all be located wholly within a single county, or they may be located in adjoining counties; or the combined districts may be composed of one or more districts located wholly within one or more counties and one or more county line districts.

1. Section 19.331 et seq.

**§ 19.232. Petition**

A petition signed by 20 or a majority of the legally qualified voters of each of the several contiguous school districts proposed to be consolidated and praying for an election to authorize the consolidation shall be presented to the county judge of the county in which the school districts are located, or if one or more districts to be consolidated is a county line district, to the county judge of the respective county or counties having jurisdiction thereof.

**§ 19.233. Election Order; Notice**

Upon the receipt of a petition fulfilling the qualifications of Section 19.232 of this code, each county shall:

(1) issue an order for a election to be held on the same day in each district included in the proposed consolidated district; and

(2) give notice of the date and purpose of the election by publication of the order in some newspaper published in the county for at least 20 days prior to the date on which the elections are to be held or by posting a notice of the election in each of the districts or by both publication and posted notice.

**§ 19.234. Canvass; Result**

(a) The commissioners court of the county (or the commissioners court of the several counties, if more than one county is involved) shall at the next meeting thereof, canvass the returns of the election in each district voting and publish the results separately for each district.

(b) If the votes cast in each and all districts show a majority in each district voting separately in favor of the consolidation, the commissioners court (or the commissioners courts of the several counties, if more than

one county is involved<sup>1</sup>) shall declare the school districts consolidated. If less than a majority of the votes cast in any one of the districts is in favor of the consolidation, then another election involving the same consolidation proposal may not be held until at least one year has elapsed since the date of the election.

1. So in enrolled bill.

**§ 19.235. Consolidation of Common School Districts**

(a) When common school districts are consolidated together, regardless of whether or not one or more of the districts may be a common county-line district, the consolidated district shall be classed as a common school district and shall be named and governed as provided by this section.

(b) The trustees of each district participating in the consolidation shall, upon notification and at the time and place specified by the commissioners court or commissioners courts of the county or counties involved, meet in a joint meeting to:

(1) select a name by which the new consolidated school district shall be known; and

(2) designate the county which shall have the supervision of the new consolidated school district.

(c) The county governing board of the county having supervision of the new consolidated school district shall appoint a board of seven trustees for the new consolidated school district who shall serve until the next April election or until their successors shall qualify.

(d) The new common consolidated school district shall thereafter be governed and controlled as provided in Chapter 22 of this code.<sup>1</sup>

1. Section 22.01 et seq.

**§ 19.236. Consolidation Involving Independent School District**

When two or more independent school districts are consolidated together or when one or more independent school districts are consolidated with one or more independent school districts, the consolidated district shall be classed as an independent school district and shall be named and governed according to Section 19.237 or 19.238 of this code, whichever is applicable.

**§ 19.237. Consolidation Involving Only One Independent School District**

(a) If only one independent school district is consolidated with one or more common school districts, the provisions of this section apply.

(b) The consolidated district shall bear the name of the independent school district.

(c) The board of trustees of the independent school district shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees, unless the scholastic population of the independent school district is in excess of five times that of the other district or districts consolidating with it, in which event the trustees of the independent school district shall continue to serve for the terms for which they have been elected and only the vacancies, as they occur, shall be filled from the consolidated district.

(d) The powers, duties, and terms of office of the trustees shall be in accordance with the general laws governing independent school districts as provided in Chapter 23 of this code.

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**§ 19.238. Consolidation Involving Two or More Independent School Districts**

(a) If two or more independent school districts are included in the consolidation, the provisions of this section apply.

(b) The consolidated district shall bear the name as prescribed in the petition for consolidation and shall include "Consolidated Independent School District."

(c) The board of trustees of the independent school district having the greater or greatest number of scholastics at the time of consolidation shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees, at least two of whom shall be elected from the area of each former independent district included in the consolidation, unless the scholastic population of the larger or largest independent school district is in excess of five times that of the other district or districts consolidating with it, in which event the trustees of the larger or largest district shall continue to serve for the terms for which they have been elected and only the vacancies, as they occur, shall be filled from the consolidated district.

(d) The powers, duties and terms of office of the trustees shall be in accordance with the general laws governing independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

**§ 19.239. Consolidation of Common and Rural High School Districts**

(a) When one or more common school districts are consolidated with a rural high school district, the consolidated district shall, if there be no bonded indebtedness in any district involved or if any bonded indebtedness is adjusted as specified below, take form of such rural high school district and be governed by the board of trustees of the rural high school district if all parts had originally been included in the rural high school district.

(b) In case of any outstanding bonded indebtedness in any district participating in the consolidation, an election shall be held to determine whether or not the common school district or districts or the rural high school district shall assume its or their pro rata share of the indebtedness.

(c) The consolidation shall not become effective until after the election adjusting the bonded indebtedness. In case the election fails to be carried, the consolidation shall be held for naught and such districts shall remain in their original status.

**§ 19.240. Consolidation of Rural and Independent Districts**

When one or more rural high school districts are consolidated with one or more independent school districts, the consolidation district shall be classed as an independent school district and shall be named and governed according to Section 19.241 or Section 19.242 of this code, whichever is applicable.

**§ 19.241. One Independent District**

(a) If only one independent school district is involved in the consolidation, the provisions of this section apply.

(b) The consolidated district shall bear the name of the independent school district.

(c) The board of trustees of the independent school district shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees, unless the scholastic population of the independent school district is in excess of five times that of the other district or combined districts consolidating with it, in which event the trustees of the independent school district shall continue to serve for the terms for which they have been elected and only the vacancies, as they occur, shall be filled from the consolidated district.

(d) The powers, duties, and terms of office of the trustees shall be in accordance with the general laws governing independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

#### § 19.242. Two Independent Districts

(a) If two or more independent school districts are included in the consolidation, the provisions of this section apply.

(b) The consolidated district shall bear the name prescribed in the petitions for consolidation and shall include "Consolidated Independent School District."

(c) The board of trustees of the independent school district having the greater or greatest number of scholastics at the time of consolidation shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees at least two of whom shall be elected from the area of each former independent school district included in the consolidation, unless the scholastic population of the larger or largest independent school district participating in the consolidation is in excess of five times that of the other district or combined districts consolidating with it, in which event the trustees of the larger or largest independent school district shall continue to serve until their terms expire and only the vacancies, as they occur, shall be filled from the consolidated district.

(d) The powers, duties, and terms of office of the trustees shall be in accordance with the provisions of Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

#### § 19.243. Assumption of debt

(a) If at the time of the proposed consolidation there are outstanding bonds of any district included in the proposed consolidation, an election shall be held to determine whether or not the consolidated district shall assume and pay off the outstanding bonds and levy a tax therefor.

(b) The election may be held after consolidation has been accomplished on the call of the trustees of the consolidated district as authorized in Subchapter O of this chapter.<sup>1</sup>

(c) The election may be held on the same day upon which the election on the question of consolidation is held provided that separate notices, separate ballots, separate ballot boxes, and separate tally sheets are provided for the two separate elections.

(d) If at an election, either on the day of the consolidation election or on some future day, a majority of the voters vote to assume and pay off the bonded indebtedness of the district or districts consolidating, then the bonded indebtedness shall become valid and subsisting obligations of the consolidated district, and the proper officers thereof shall annually

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thereafter levy sufficient taxes to pay the interest thereon as it accrues and to create a sinking fund which, in addition to the sinking funds already accumulated in the original bonded district, will pay off and retire the outstanding bonds when they become due.

1. Sections 19.461, 19.462.

§ 19.244. Dissolution of Consolidated School Districts

(a) Any consolidated school district may be dissolved and the districts included therein restored to their original status by the same procedure provided for consolidation, except that it shall not be necessary to provide polling places in each district.

(b) When dissolution is brought about by majority vote of the qualified voters of the consolidated district, each of the restored districts shall assume and be liable for its prorata part of the outstanding financial obligations of the consolidated district, each prorata part to be based on the relation that the total assessed valuation of all property in the original district bears to the total assessed valuation of property in the consolidated district.

(c) No election for the dissolution of a consolidated district shall be held until three years have elapsed after the date of the election at which the districts were consolidated.

§ 19.245. Dissolution of County-Line Consolidated School Districts

(a) A county-line consolidated school district may be dissolved as provided by this section whenever the consolidated school district fails to operate a public free school.

(b) A petition signed by 20 or a majority of the qualified voters of the county-line district shall be filed with the county judge of the county in which that portion of the district desiring to be dissolved is situated.

(c) Upon the filing of such a petition, the county judge shall call an election to be held at some designated place in the district.

(d) If a majority of the votes cast at the election favor dissolution, the boundaries of the original districts, before consolidation, shall be reapportioned by order of the county judge. Thereafter, the consolidated county-line school district shall cease to exist insofar as it shall relate to that portion of the district in which the election was held.

(e) Dissolution of the district under the terms of this section shall not operate to relieve any one of the original districts from assuming and bearing its pro rata part of the total indebtedness of the consolidated county-line school district; and any indebtedness, bonded or otherwise, shall be borne proportionately by the original districts comprising the county-line school district.

[Sections 19.246–19.260 reserved for expansion]

SUBCHAPTER I. DETACHMENT AND ANNEXATION  
OF TERRITORY

§ 19.261. Detachment and Annexation

(a) The county school trustees or county board of education, as the case may be, in each county of this state shall have the authority, when duly petitioned as herein provided and in compliance with the limitations of Subchapter K of this chapter,<sup>1</sup> to detach from and annex to any school



district territory contiguous to the common boundary line of the two districts.

(b) The petition requesting detachment and annexation must:

(1) be signed by a majority of the qualified voters residing in the territory to be detached from one district and added to the other; and

(2) give the metes and bounds of the territory to be detached from one district and added to the other.

(c) The proposed annexation must be approved by a majority of the board of trustees of the district to which the annexation is to be made.

(d) Unless the petition is signed by a majority of the trustees of the district from which the territory is to be detached, no school district territory may be detached where the ratio of the number of scholastics residing in the area to be detached to the total number of the scholastics residing in the district from which the territory is to be detached is less than one-half the ratio of the assessed valuation (based on preceding year valuations) in the territory to be detached to the total assessed valuation (based on the preceding year valuations) of the district from which the area is to be detached.

(e) No school district may be reduced to an area of less than nine square miles.

(f) Upon receipt of the petition and notice of the approval as required by this section, the county governing board shall notify the trustees of any other common school districts which may be affected by any contemplated change and specify the place and date at which a hearing on the matter shall be held and at which the trustees of any common school district to be affected shall be given an opportunity to be heard.

(g) After the conclusion of the hearing, the county governing board may pass an order transferring the territory and redefining the boundaries of the district affected by the transfer. The order shall be recorded in the minutes of the county governing board.

(h) Any outstanding indebtedness affected by a change in boundaries shall be adjusted by the county governing board as provided in Subchapter N of this chapter.<sup>2</sup>

1. Section 19.331 et seq.

2. Section 19.431 et seq.

#### § 19.262. Annexation of Districts in Larger Counties

(a) In every county in this state having a population of 210,000 or more according to the last preceding Federal census, any school district may be annexed to any contiguous independent school district as herein provided.

(b) There shall be presented to the county school trustees or county board of education, as the case may be, a petition which shall:

(1) request annexation to a specified independent school district;

(2) state the metes and bounds of the district proposed to be annexed; and

(3) be signed by a majority of the board of trustees of the district seeking annexation or by not less than 20 qualified voters of such district.

(c) The proposed annexation must be approved by a majority of the board of trustees of the independent school district to which the petitioning district seeks to be annexed.

(d) Upon receipt of the petition and notice of approval, the county governing board, if the proposed annexation appears to it to be in the best

interest of the districts affected, shall enter its order for an election to be held within the petitioning district at its expense.

(e) The following propositions shall be submitted at the election: "For the annexation of \_\_\_\_\_ School District to \_\_\_\_\_ School District" and the contrary<sup>1</sup> thereof.

(f) No election in the receiving district shall be necessary on the question of annexation and the governing board of the receiving independent school district, without the necessity of an additional election, shall have the power to assess, levy and collect ad valorem taxes on all taxable property within the boundaries of the district as changed, for the purposes of the maintenance of public free schools therein, and the payment of principal of and interest on all bonded indebtedness outstanding against, or attributable, adjusted or allocated to, such district or any territory therein, in the amount, at the rate, or not to exceed the rate, and in the manner authorized in the district prior to the change in its boundaries, and further in accordance with the laws under which all such bonds, respectively, were voted; and such governing body also shall have the power, without the necessity of an additional election, to sell and deliver any unissued bonds voted in the district prior to any such change in boundaries, and to assess, levy and collect ad valorem taxes on all taxable property in the district as changed, for the payment of principal of and interest on such bonds in the manner permitted by the laws under which such bonds were voted.

(g) The county governing board and the board of trustees of the receiving district shall each enter an order on its minutes:

- (1) declaring the petitioning district to be duly annexed to the receiving district and subject to all the laws governing the same; and
- (2) redefining the boundaries of the receiving district showing the annexation.

(h) A certified copy of the order of the county governing board shall be transmitted to the county clerk of the county and recorded in the "Record of School Districts" of the county.

(i) Title to all property, real and personal, of the annexed district shall vest in the receiving district. The receiving district shall have complete authority over and management of the public schools in the territory annexed.

(j) The receiving district shall assume all outstanding indebtedness of the annexed district, bonded or otherwise. Any tax in effect in the receiving independent school district shall continue and become effective and apply to the entire independent district as constituted after annexation is completed.

(k) The independent receiving district shall continue as the same district and operate in all respects as it was prior to the annexation except that the annexed territory shall become liable for all indebtedness, subject to all taxes, and be a part thereof for all purposes as though originally included in the independent district.

1. So in enrolled bill.

**§ 19.263. Creation of Districts in Response to Petition for Detachment**

(a) Subject to the limitations contained in Subchapter K of this chapter,<sup>1</sup> and in conformity with the following provisions, new school districts, either independent or common, may be created by detaching terri-

tory from existing contiguous districts and uniting such territory into a new district.

(b) A petition requesting the creation of a new school district shall:

(1) give the metes and bounds of the proposed new district;

(2) be signed by a majority of the qualified voters residing in each territory to be detached from an existing district; and

(3) be addressed to the county governing board of the county in which the territory of the proposed district is located, or, if the territory is in more than one county, to the county governing board of the county in which the principal school of the new district is to be located and in which the administrative jurisdiction of the proposed district is to be vested.

(c) The county governing board to which the petition is addressed must give notice of the proposed action in writing to the officers of the boards of trustees of each district whose area would be affected by the creation of the proposed district. The officers of the boards of trustees of each district to be affected must be given an opportunity to be heard by the county governing board to whom the petition is addressed.

(d) In the event the territory to be detached from any district exceeds 10 percent of the total area of the district, the proposed detachment must be approved in writing by a majority of the board of trustees of the district.

(e) No new district may be created within an area of less than nine square miles; and no district shall be reduced below an area of nine square miles.

(f) Any district affected, either remaining or newly created, must have a sufficient taxable valuations to support an efficient school system.

(g) If all the requirements of this section are met, the county governing board to which the petition was addressed may enter its order creating the new school district. If the new district embraces territory in two or more counties, the orders affecting its establishment shall be concurred in by the county governing boards of each county concerned.

(h) At the time the order establishing the district is made, the county governing board having jurisdiction over the new district shall appoint a board of trustees for the new common or independent school district, as the case may be, to serve until the next regular election of trustees when a board of trustees shall be elected in compliance with the provisions of Chapter 22 of this code<sup>2</sup> governing common school districts or the provisions of Chapter 23 of this code<sup>3</sup> governing independent school districts, whichever is applicable.

(i) Any bonded indebtedness affected by the establishment of a new district shall be adjusted by the county school trustees or county board of education, as the case may be, as provided in Subchapter N of this chapter.<sup>4</sup>

(j) Before any tax may be levied over the territory of the new district for the liquidation of its proportionate part of the outstanding bonded indebtedness of any district from which the territory of the new district was taken, the new district shall vote to assume the indebtedness and to authorize the levy of the necessary taxes.

(k) Such elections shall be held in accordance with the provisions governing bond tax elections in a common or independent school district, whichever is applicable.

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(l) A new district, when created in compliance with the terms of this section, shall have all the rights and privileges of an independent or a common school district.

1. Section 19.331 et seq.
2. Section 22.01 et seq.
3. Section 23.01 et seq.
4. Section 19.431 et seq.

[Sections 19.264–19.300 reserved for expansion]

**SUBCHAPTER J. EXTENSION OF MUNICIPAL BOUNDARIES**

**§ 19.301. Extension of Municipal Boundaries: Counties of Less Than 165,000**

(a) In any county with a total population of fewer than 165,000 according to the last preceding federal census, whenever the limits of any incorporated city or town constituting an independent school district are so extended or enlarged as to embrace the whole or any part of any school district, independent or common, that portion so embraced within the corporate limits of the city or town shall, unless specifically determined otherwise as provided in Subsection (c) of this section, automatically become a part of the independent school district constituted by the incorporated city or town.

(b) If within a portion of a district so embraced there should be situated any real property belonging to the partially embraced district, the city or town may acquire the property upon such terms as may be mutually agreed upon between the governing body of such city or town and the authorities of the district.

(c) If it is determined by majority vote of those voting at an election held within the city or town that the territory or any portion thereof to be embraced within the corporate limits shall not thereby become a part of the independent school district constituted by the city or town but shall be taken into the city limits for municipal purposes only, the embraced territory shall continue to be included within the school district or districts in which it had previously been included as though the city limits had not been extended.

(d) When the corporate limits of any city or town are extended to include therein the whole or any part of any school district having an outstanding bonded indebtedness and the extension was not limited to municipal purposes only, the city or town shall become liable and bound for the payment of such proportion of the bonded indebtedness of the district as the assessed value of the included portion bears to the entire assessed value of the district from which it was taken. The assessed values of the district so included shall be those shown upon the last preceding tax assessment roll after the district is so included. The incorporated city or town shall pay either directly or through the officers of the district the proportion of the interest and principal of the bonded indebtedness for which it is liable.

**§ 19.302. Counties of 165,000 or More**

(a) In any county with a total population of 165,000 or more according to the last preceding Census, whenever the limits of any incorporated city or town are extended or enlarged to include additional territory or whenever any territory is annexed to any incorporated city or town, the ex-

tension or enlargement of the limits of the incorporated city or town shall be for municipal purposes only and shall not automatically bring about any change in any existing school district or districts situated in the annexed area.

(b) After the territory has been included in or annexed to the incorporated city or town, the county governing board of the county or counties in which the districts are situated may, with the approval specified in Subsection (c) of this section, annex the territory to any contiguous school district as specified in Section 19.261 of this code.

(c) Any subdivision of or annexation to any existing school district under the terms of this section must be approved by a majority of the school trustees of each school district affected.

[Sections 19.303–19.330 reserved for expansion]

#### **SUBCHAPTER K. CHANGES IN BOUNDARIES OF INDEPENDENT SCHOOL DISTRICTS**

##### **§ 19.331. Nine-Member Board; County of 100,000 or More**

No change in the boundaries of an independent school district governed by an elective board of nine members and located in a county having a population of 100,000 or more according to the last preceding federal census may be made or effected, whether by election or by order of the county governing board or by any other method, until and unless the proposed change has been approved by a majority of the governing board of the independent school district.

##### **§ 19.332. District With 30,220 or More Scholastics**

No election shall be ordered for the purpose of determining whether or not territory shall be added to any independent school district having 30,220 or more scholastics according to the last official scholastic census unless prior to the ordering of the election, the proposed addition of territory has been approved by a majority vote of the board of trustees of the independent school district to which the territory is proposed to be added.

[Sections 19.333–19.360 reserved for expansion]

#### **SUBCHAPTER L. ABOLITION OF INDEPENDENT SCHOOL DISTRICTS**

##### **§ 19.361. Abolition of Independent School Districts**

Subject to the limitation on elections in Section 19.365 of this code, any independent school district incorporated for free school purposes under the laws of Texas may be abolished in the manner provided by this subchapter.

##### **§ 19.362. Petition**

A petition requesting the abolition of the district and signed by at least 10 percent of the qualified voters residing in the district shall be presented to the county judge of the county in which the independent school district or a part thereof is situated.

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**§ 19.363. Election**

(a) Upon the receipt of such a petition, the county judge shall:

(1) issue an order designating the time and place within the school district and within the county of his court at which there shall be held an election to determine whether the independent school district shall be abolished;

(2) appoint to preside at the election an officer who shall select two judges and two clerks to assist in holding the election; and

(3) cause notice of the election to be given by posting advertisement for at least ten days prior to the date of the election at three public places within the independent school district.

(b) Except as herein provided, the election shall be held in the manner prescribed by law for holding general elections.

(c) All persons who are legally qualified voters of the state and of the county in which the independent school district or part thereof is situated and who have resided within the independent school district for at least six months next preceding shall be entitled to vote.

(d) The officers holding the election shall make return thereof to the county judge within 10 days after the election is held.

**§ 19.364. Order Abolishing District**

If a majority of the voters, voting at the election, shall vote to abolish the independent school district, the county judge shall declare the independent school district abolished and enter an order to that effect upon the minutes of the commissioners court and from the date of such order, the independent school district shall cease to exist.

**§ 19.365. Limitation on Elections**

Within any 12-month period not more than one election shall be held on either:

(1) the question of abolishing an independent school district; or

(2) the question of creating an independent school district out of territory formerly comprising an independent district which has been abolished within the preceding 12 months.

**§ 19.366. Disposition of Territory**

All of the territory of an abolished independent school district must be created into a common school district or be annexed to or included within some other contiguous district or districts, and its property and affairs, unless otherwise controlled by the manner in which the district was abolished, shall be regulated as herein provided.

**§ 19.367. Territory Formerly Two or More Common School Districts**

(a) Upon the abolishment of an independent school district heretofore created by local or special law out of territory theretofore containing two or more common school districts, the common school districts shall immediately come into existence by operation of law with the same boundaries they had prior to the creation of the independent school district.

(b) All funds, property, rights, and liabilities of the abolished independent school district may be divided between the common school districts by agreement of the trustees of the common school districts.

(c) In the event the district trustees are unable to agree, the county governing board shall apportion the funds, property, rights, and liabilities

ties of the abolished independent district between the common school districts in an equitable and just manner, taking into consideration the property owned and the assets and liabilities of each common school district at the time of the creation of the independent district as well as the assets and liabilities coming into existence after the formation of the independent district.

(d) Any bonds issued by one of the common school districts prior to the creation of the independent school district shall be paid and retired by the common school district issuing the same. Taxes for the payment of the bonded indebtedness shall be levied and collected in the same manner as other taxes voted by a common school district. Any amounts paid of the abolished independent school district in connection with such bond issue shall be paid back by the common school district issuing the bonds to such an extent as will be necessary to reimburse the other common school district or districts for its or their proportionate part of the payment.

(e) Any debt incurred by the abolished independent school district, the benefits of which will accrue particularly to one of the common school districts, shall be taken over by that common school district.

(f) High school children in a common school district within the territory of the abolished independent school district shall have the right to attend, without tuition, any other common school district within the territory formerly composing the independent school district provided the common school district so chosen does not have a scholastic population of more than 350.

**§ 19.368. Territory Formerly Single District or Parts of Several Districts**

(a) Upon the abolishment of an independent school district created out of territory formerly comprising a single common school district and/or consisting of parts of several districts and/or districts annexed thereto, the county governing board shall contain or embrace the territory of the abolished independent school district into a newly created common school district or shall annex the territory to one or more contiguous districts.

(b) When all the territory embraced within the abolished independent school district is created into a common school district or is annexed to or included within the limits of one other district, title to all property, both real and personal, belonging to the abolished independent school districts shall be vested in the other school district or its governing officers.

(c) When the territory of the abolished independent school district is subdivided and annexed to two or more other school districts, all real property, improvements, and appurtenances belonging to the abolished independent school district shall become the property of the districts to which these properties are annexed, and all personal property shall be divided between the receiving districts in proportion to the assessed property value of the part of the abolished independent school district so annexed.

(d) When at the time of its abolishment the independent school district had no outstanding indebtedness, all uncollected taxes on the property of the district for the years up to and including the last day of January of the year immediately following that in which the independent school district is abolished shall be levied and collected, at the same rate and in the same manner as authorized for the independent school district

immediately prior to its abolishment, by the school district or districts to which the territory containing the property upon which taxes are due has been annexed.

(e) When at the time of its abolishment the independent school district had outstanding bonds or other indebtedness, enforceable either at law or in equity, the school district or districts to which the territory of the abolished independent school district has been annexed may, at an election held for that purpose, assume such bonds or other indebtedness. The election shall be held in the manner provided for holding an election for voting bonds or for voting a special tax, as the case may be, within the receiving school district as provided in Chapter 20 of this code.<sup>1</sup> If a majority of the qualified property tax paying voters within the receiving district vote in favor of assuming the indebtedness, all property within the receiving district, not exempt under the general law, shall be subject to taxation for the payment of the bonds or other indebtedness of the abolished independent school district, and the proper officers of the receiving district shall levy upon the property of the district a tax adequate for the payment of the bonds or other indebtedness over such a period of time as may be necessary for that purpose.

(f) In the event the qualified taxpaying voters of the receiving district or districts do not by majority vote assume the outstanding bonds and other indebtedness of the abolished independent school district, all taxes against the property of the abolished independent school district shall remain in full force and effect and shall be levied and collected by the proper officers of the district or districts to which the territory of the abolished independent school district has been annexed until the entire indebtedness is fully paid.

(g) In the event the qualified taxpaying voters of the receiving district or districts do not by majority vote assume the outstanding bonds and other indebtedness of the abolished independent school district, the county school trustees or county board of education, as the case may be, shall manage, control or dispose of all property within the county belonging to the abolished independent school district. The county governing board shall have the power to do any and all things necessary for the payment of such bonds or other indebtedness which the independent school district, or the trustees thereof, could have done had the independent school district not been abolished. The county governing board shall also have the power to levy and collect taxes, and the power to bring and defend litigation in the name of the independent school district.

(h) Any creditor of an abolished independent school district shall file his claim against the district with the county school trustees or county board of education, as the case may be, within 60 days after the independent school district has been abolished and, if the claim is not allowed, may maintain suit against the abolished independent school district as such. Service in a suit, if necessary, may be had upon the chief officer of the county governing board. The county governing board shall defend any suit against an abolished independent school but may, in its discretion, make such settlement of the litigation as may be deemed advisable.

<sup>1</sup>. Section 20.01 et seq.

[Sections 19.369–19.400 reserved for expansion]



**SUBCHAPTER M. ABOLITION OR SUBDIVISION OF COMMON SCHOOL DISTRICTS****§ 19.401. Authority of County Governing Board**

<sup>1</sup> The county school trustees or county board of education, as the case may be, in any county in this state shall have full power and authority to abolish and/or subdivide any common school district or other district coming under the jurisdiction of the county governing board provided that:

(1) the district has fewer than ten resident scholastics within its boundaries; and

(2) no public school has been conducted in the district for a period of five years immediately preceding such action by the county governing board.

(b) The territory of any district abolished or subdivided shall be attached to one or more contiguous school districts or county-line school districts in such manner as may be determined by the county governing board.

1. Paragraph probably should be lettered as (a).

**§ 19.402. Adjustment of Bonded Debt**

The county governing board shall also, at the time of abolishing or subdividing a common school district, make an adjustment of outstanding bonded indebtedness, if there be such, and provide for an equitable distribution of all district properties as specified in Subchapter N of this chapter.<sup>1</sup>

1. Section 19.431 et seq.

**§ 19.403. Appeal**

Any trustee or any resident of a district or territory affected by the action of the county governing board, as authorized by this subchapter, may appeal from the decision of the county governing board to the district court of the county in which the governing board acts.

**SUBCHAPTER N. ADJUSTMENT OF BONDED INDEBTEDNESS BY COUNTY GOVERNING BOARD****§ 19.431. Duty of County Governing Board**

Whenever a board of county school trustees or a county board of education has participated in the creation of any new school district or in the changing of the boundaries of any existing district (whether by consolidation, by detachment-attachment, by subdivision, or by any other authorized means), it shall be the duty of the county governing board to make an adjustment of any outstanding bonded indebtedness and district properties of any district or districts affected.

**§ 19.432. Basis for Adjustment**

The county governing board shall take into consideration the value of the school properties and the taxable wealth of the districts affected and the territory so divided, detached, or added, as the case may be, to make an equitable adjustment of the indebtedness and the district properties between the districts affected and between the territory divided, detached, or added.

**§ 19.433. Adjustment Orders**

(a) When the governing board has arrived at a satisfactory basis of such an adjustment, it shall have the power to make such orders in relation thereto as shall be conclusive and binding upon the districts and the territory affected thereby.

(b) The county governing board may order the trustees of the districts affecting to order an election for the issuing of such refunding bonds as may be necessary to carry out the purposes of the order of the county governing board.

**§ 19.434. Refunding Bond Election**

In the event an election is ordered by the county governing board, it shall be the duty of the district trustees to order such election and to cause the same to be held.

**§ 19.435. Refunding Bonds**

(a) If a majority of the voters casting votes at a refunding bond election held to carry out the orders of the county governing board favoring the issuance of refunding bonds, the provisions of this section apply.

(b) The bonds shall be issued by the district trustees.

(c) The bonds shall be of the same denomination and carry the same interest rate and mature at the same time as the outstanding bonds owning<sup>1</sup> by the district issuing them.

(d) The new bonds, when so issued, shall be subject to exchange for the outstanding bonds for which the district issuing them shall still be liable, according to the order adjusting the indebtedness. In the event an exchange of the new bonds for the outstanding bonds cannot be made, the new bonds of the district, to the amount of the old bonds for which it is still liable and to which no exchange can be made, shall be deposited in the county treasury to the account of the district.

(e) Taxes shall be levied and assessed only for the payment of interest, sinking fund, and principal of the new bonds so issued. The funds arising from taxation shall be used to discharge the principal and interest of such new bonds as have been issued and exchanged and such old bonds as have not been exchanged.

(f) When taxes are collected applicable to new bonds not exchanged and the proceeds applied to payment on old bonds not exchanged, the corresponding new bonds in the county treasury shall be credited with such payment and retired as the old un-exchange bonds are retired.

1. So in enrolled bill.

**§ 19.436. Failure of Bond Election**

(a) If a refunding bond election held to carry out the orders of the county governing board fails to secure approval of a majority of the voters voting at such election or if the county governing board is unable otherwise to arrange an adjustment or settlement of outstanding bonded indebtedness, it shall be the duty of the county governing board to certify to the commissioners court that the bonded indebtedness of the territories affected by the changes has not been adjusted.

(b) Upon receipt of such certification, it shall be the duty of the commissioners court thereafter annually to levy and cause to be assessed and collected from the taxpayers of the districts as they existed before the

changes were made, the tax necessary to pay the interest, the sinking fund, and the principal of the indebtedness as it matures.

(c) It shall be the duty of each independent school district so affected to cause all funds in its hands, whether sinking funds or otherwise, which have been collected on account of such bonded indebtedness, to be transferred to the county treasurer of the county in which the district is situated, and the district shall thereafter cease to levy and collect any tax on account of such bonds.

(d) It shall be the duty of the county treasurer to keep all funds transferred by independent school districts affected and all funds collected by the taxation authorized in Subsection (b) of this section in separate accounts and apply the same only to the discharge of the existing bonded indebtedness and the interest thereon, it matures.

#### **§ 19.437. Discretion of County Governing Board**

The county school trustees or county boards of education as the case may be, shall not be restricted to the method of adjusting bonded indebtedness set out in the preceding sections of this subchapter, but they shall have full power and authority to make any legal and equitable adjustment and settlement that can be effected to adjust the bonded indebtedness of any district affected by any type of authorized boundary change.

### **SUBCHAPTER O. ADJUSTMENT OF BONDED INDEBTEDNESS BY DISTRICT TRUSTEES**

#### **§ 19.461. Authority of District Trustees**

The trustees of any school district, independent, common, or rural high school, as such district exists after consolidation, annexation, subdivision, or any other authorized type of boundary change, are authorized to call an election for any one or all of the following purposes:

(1) To assume any bonded or other debt created by the district as it previously existed or by any district or districts wholly or partially incorporated in the district as constituted after the boundary change.

(2) To levy taxes for the payment of any previously existing debt of the district as it previously existed or by any district or districts wholly or partially incorporated in the district as constituted after the boundary change.

(3) To levy taxes for the further maintenance and operation of the district as constituted after the boundary change by the qualified taxpaying voters of the new district.

#### **§ 19.462. Election**

Any election called under the authorization of Section 19.461 of this code shall be held at such time and in such manner and upon such notice as specified in Section 20.04 of this code. A rural high school election shall be held under the rules applicable to independent school districts.

**CHAPTER 20. SCHOOL DISTRICT FUNDS**

**SUBCHAPTER A. SCHOOL DISTRICT TAX BONDS  
AND MAINTENANCE TAXES**

**Section**

- 20.01. Bonds and Bond Taxes.
- 20.02. Maintenance Taxes.
- 20.03. Assessment of Property.
- 20.04. Bond and Tax Elections.
- 20.05. Refunding Bonds.
- 20.06. Examination of Bonds by the Attorney General.
- 20.07. Bonds or Legal Investments.
- 20.08. Previously Voted Bonds and Taxes.

[Sections 20.09–20.20 reserved for expansion]

**SUBCHAPTER B. SCHOOL DISTRICT REVENUE BONDS**

- 20.21. Gymnasias, Stadia, and Other Recreational Facilities.
- 20.22. Revenue Bonds.
- 20.23. Rentals, Rates, and Charges.
- 20.24. Pledge of Revenues.
- 20.25. Refunding Bonds.
- 20.26. Examination of Bonds by the Attorney General.
- 20.27. Bonds Eligible as Investments and Security.

[Sections 20.28–20.40 reserved for expansion]

**SUBCHAPTER C. MISCELLANEOUS PROVISIONS**

- 20.41. Proceeds; Use for Water, Sewer and Gas Connections.
- 20.42. Investment of Bond Proceeds in Obligations of United States;  
Interest Bearing Secured Time Bank Deposits.
- 20.43. Interest Bearing Time Warrants.
- 20.44. Delinquent Tax Penalties in Independent Districts Having City  
of 275,000.
- 20.45. Pledge of Delinquent Taxes as Security for Loan.
- 20.46. Additional Tax for Construction, Repair and Equipment of School  
Buildings; Purchase of Sites; Election.
- 20.47. Additional Tax for Construction, Repair and Equipment of Schools  
in Counties With Population in Excess of 150,000; Purchase  
of Sites; Election.
- 20.48. Authorized Expenditures.
- 20.49. Borrowing Money for Current Maintenance Expenses.
- 20.50. Contracts for Athletic Facilities.

**SUBCHAPTER A. SCHOOL DISTRICT TAX BONDS AND  
MAINTENANCE TAXES****Section 20.01. Bonds and Bond Taxes**

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings in the district and the purchase of the necessary sites therefor, and to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, subject to the provisions and restrictions of Section 20.04 of this code. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of such governing board or commissioners court. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by such governing board or commissioners court in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

**§ 20.02. Maintenance Taxes**

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes for the further maintenance of public free schools in the district, subject to the provisions and restrictions of Section 20.04 of this code.

**§ 20.03. Assessment of Property**

In common school districts the value of taxable property shall be assessed on the same basis as that used for state and county purposes; but in all other school districts such value may be assessed on any basis authorized or permitted by any applicable law.

**§ 20.04. Bond and Tax Elections**

(a) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the resident, qualified, electors of the district, who own taxable property therein and who have duly rendered the same for taxation, voting at an election held for such purpose, at the expense of the district, in accordance with the Texas Election Code, except as hereinafter provided. Each such election shall be called by resolution or order of such governing board or commissioners court, which shall set forth the date of the election, the proposition or

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propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by such governing board or commissioners court.

(b) In each proposition submitted to authorize the issuance of bonds there shall be included the question of whether the governing board or commissioners court shall be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the district, either—

(1) sufficient, without limit as to rate or amount, to pay the principal of and interest on said bonds; or

(2) sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the district shall never be more than the rate (not to exceed \$1 on the \$100 valuation of taxable property in the district) stated in said proposition.

(c) If bonds are ever voted in a district pursuant to Subsection (b) (1) of this section, then all bonds thereafter proposed shall be submitted pursuant to that subsection, and Subsection (b)(2) of this section shall not be applicable to such district. No bonds shall be issued pursuant to Subsection (b)(1) of this section if the aggregate principal amount of tax bond indebtedness of the district after such issuance would be in excess of 10 percent of the assessed valuation of taxable property in the district according to the then last completed and approved ad valorem tax rolls of the district.

(d) In each proposition submitted to authorize the levy of maintenance taxes there shall be included the question of whether the governing board or commissioners court shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes, for the further maintenance of public free schools, of not to exceed the rate (which shall be not more than \$1.50 on the \$100 valuation of taxable property in the district) stated in said proposition.

(e) Notice of each such election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. Such governing board or commissioners court shall canvass the returns and declare the results of such elections.

## § 20.05. Refunding Bonds

Each such governing board or commissioners court shall be authorized to refund or refinance all or any part of any of the district's outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable, coupon, refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than forty years from their date, and shall bear interest at such rate or rates, as shall be determined within the discretion of such governing board or commissioners court. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such voted maximum rate, and provided further that refunding bonds shall be payable from taxes of the same nature as those pledged to the payment of the obligations being refunded thereby. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior

to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions and details, and shall be signed and executed, as provided by the governing board or the commissioners court in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the comptroller of public accounts of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

**§ 20.06. Examination of Bonds by the Attorney General**

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

**§ 20.07. Bonds are Legal Investments**

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

**§ 20.08. Previously Voted Bonds and Taxes**

All tax bonds voted in any school district in accordance with law but unissued at the effective date of this code may be issued in the manner provided by the law in effect at the time such bonds were voted<sup>1</sup>, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election; and all maintenance taxes heretofore voted in any school district in accordance with law may be levied and collected in the manner provided by the law in effect at the time such bonds were voted, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election.

[Sections 20.09–20.20 reserved for expansion]

**SUBCHAPTER B. SCHOOL DISTRICT REVENUE BONDS**

**§ 20.21. Gymnasia, Stadia, and Other Recreational Facilities**

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof) and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain gymnasia, stadia, or other recreational facilities for and on behalf of its district, and such facilities may be located within or without the district.

**§ 20.22. Revenue Bonds**

For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip gymnasia, stadia, or other recreational facilities, such board or commissioners court shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, or other revenues from any or all of such facilities, in the manner hereinafter provided. Said bonds may be additionally secured by mortgages and deeds of trust on any real property on which any of said facilities are or will be located, or any real or personal property incident or appurtenant to said facilities, and the board or the commissioners court may authorize the execution and delivery of trust indentures, mortgages, deeds of trust or other forms of encumbrances to evidence same. Said bonds may be issued to mature serially or otherwise not to exceed 50 years from their date. In the authorization of any such bonds, each board or the commissioners court may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board or commissioners court. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rates, as shall be determined and provided by the board or commissioners court in the resolution or order authorizing the issuance of said bonds. If so permitted in the bond resolution or order, any required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys may be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

**§ 20.23. Rentals, Rates, and Charges**

The board or commissioners court shall be authorized to fix and collect rentals, rates, and charges, from students and others for the occupancy



or use of any of said facilities, in such amounts and in such manner as may be determined by such board or commissioners court.

#### § 20.24. Pledge of Revenues

The board or commissioners court shall be authorized to pledge all or any part of any of its revenues from the aforesaid facilities to the payment of any bonds issued hereunder, including the payment of principal, interest, and any other amounts required or permitted in connection with said bonds. When any of the revenues from said facilities are pledged to the payment of bonds, the rentals, rates and charges for the occupancy or use thereof shall be fixed and collected in such amounts as will be at least sufficient to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses.

#### § 20.25. Refunding Bonds

Any revenue bonds issued by any such board or commissioners court under this subchapter, and any revenue bonds issued by any such board or commissioners court under any other Texas statute and payable from revenues from any such facilities may be refunded or otherwise refinanced by such governing board or commissioners court, and in such case all pertinent and appropriate provisions of this subchapter shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds the board or commissioners court may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this code and bonds issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant hereto into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

#### § 20.26. Examination of Bonds by the Attorney General

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

#### § 20.27. Bonds Eligible as Investments and Security

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic.

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Said bonds also shall be eligible and lawful security for all deposits of public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

[Sections 20.28–20.40 reserved for expansion]

**SUBCHAPTER C. MISCELLANEOUS PROVISIONS**

**§ 20.41. Proceeds; Use for Water, Sewer or Gas Connections**

Whenever bonds are hereafter voted and issued by school districts for the statutory purpose of construction and equipment of school buildings in the district and the purchase of the necessary sites therefor, the bond proceeds may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of an incorporated city or town, including home rule cities, or other municipal corporation, or private utility company (whether or not the water, sewer, or gas lines of such city, town, or other municipal corporation adjoin the school site or sites), so that the school district may afford its public free school buildings of the water, sewer, or gas services offered by such city, town, or other municipal corporation, or private utility company.

**§ 20.42. Investment of Bond Proceeds in Obligations of United States; Interest Bearing Secured Time Bank Deposits**

From and after the effective date of this code, any school district within the state which has or may have on hand any sums of money which are proceeds received from the issue and sale of bonds of any such school district, either before or after the effective date of this code, which proceeds are not immediately needed for the purposes for which such bonds were issued and sold, may, upon order of the board of trustees of such school district, place the proceeds of such bonds on interest bearing time deposit, secured in the manner provided in Section 23.63 of this code, with a state or national banking corporation within this state, or invest the proceeds of such bonds in bonds of the United States of America or in other obligations of the United States of America, as may be determined by the board of trustees of the school district; but such interest bearing secured time deposits or bonds or other obligations of the United States of America shall be of a type which cannot be cashed, sold or redeemed for an amount less than the sum deposited or invested therein by such school district; and when such sums so placed or so invested by a school district are needed for the purposes for which the bonds of the school district were originally authorized, issued and sold, such time deposits or bonds or other obligations of the United States of America in which such sums have been placed or invested shall be cashed, sold or redeemed and the proceeds thereof shall be used for the purposes for which the bonds of the school district were originally authorized, issued and sold.

**§ 20.43. Interest Bearing Time Warrants**

(a) Any school district in the State of Texas in need of funds to repair or renovate school buildings; purchase school buildings and school

equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; or is in need of funds with which to employ an individual firm or corporation deemed to have special skill and experience to compile taxation data for use by its board of equalization; and said school district is financially unable out of available funds to make such repairs, renovations of school buildings, purchase school buildings, purchase school equipment, to equip school properties with necessary heating, water, sanitation, lunchroom or electric facilities or is unable to pay such individual or corporation for the performance of the professional duties hereinabove mentioned, may, subject to the provisions hereof, issue interest-bearing time warrants, in amounts sufficient to make such purchase and improvements, to pay all or part of the compensation of such individual, firm or corporation to compile such data, any law to the contrary notwithstanding. Such warrants shall mature in serial installments of not more than five years from their date of issue, and to bear interest at a rate not to exceed six percent per annum. Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Any such interest-bearing time warrants so issued may be issued and sold by such district for not less than their face value, and the proceeds thereof used to provide funds required for the purpose for which they are issued. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due. Included in such purposes is the payment of any amounts owed by said school districts, which indebtedness was incurred in carrying out any of such purposes.

(b) No such interest-bearing time warrants shall be issued or sold by a common school district, rural high school district, or an independent school district of less than 150 scholastics until the same shall have been approved by the county board of school trustees; and said board shall, upon application of such school district, inquire into the financial conditions and needs of such district, and shall not approve the issuance of such interest-bearing time warrants unless in its opinion said district is in need of such repair and renovation of school building, and school equipment and to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities, and will be able with the resources in prospect to liquidate said warrants at their maturity.

(c) No school district in the State of Texas shall issue such interest-bearing time warrants in excess of one percent of the assessed valuation of the district, for the year in which such interest-bearing time warrants are issued; nor shall the payment of such interest-bearing time warrants in any one year exceed the anticipated surplus income of the district for the year in which the warrants are issued. Based on the budget of the district for said year, such anticipated income to be computed by taking the entire expected income of such school district from every source for the year in which such interest-bearing time warrants are issued, less teachers' salaries, bus aid included in the foundation fund, and that part of the local maintenance tax earmarked for salaries and known in the Gilmer-Aiken Law as the economic index or fund assignment. The anticipated income computation as herein defined shall be exclusive of all bond taxes. No school district shall have outstanding at any one time warrants totaling in excess of \$25,000 under the provisions of this section.

(d) In every instance wherein interest-bearing time warrants or other evidence of indebtedness have been issued by school districts within the State of Texas for any of the purposes herein provided for, the act of the

board of trustees, and/or governing board of such district in issuing such interest-bearing time warrants are each and all hereby expressly validated. The indebtedness thus attempted to be created by such action is hereby declared to be the indebtedness of such district and shall be paid out of available funds as herein provided.

(e) Whenever any such interest-bearing time warrants have been issued under this section, and so long as any of them may be outstanding the officer in charge of the collection of delinquent taxes shall pay the same to legal depository of the district, to be deposited and held in a special fund for the payment of such interest-bearing time warrants, and except as herein otherwise provided, no part thereof shall be applied or used for any other purpose.

(f) Interest and penalties on delinquent taxes shall be deemed a part of such taxes for the purpose of this section. Should any delinquent taxes, including interest and penalties, be cancelled, waived, released or reduced either by such school district or in any other way, with or without its consent, the amount of the loss so sustained shall be paid by the district to the special fund provided for herein out of funds not otherwise pledged to such special fund.

(g) All school districts issuing interest-bearing time warrants shall have the power to fix lien on and encumber and mortgage any and all property purchased with the proceeds of such warrants, and to fix a lien on and encumber any property, including teacherages owned by the district to secure the payment of legally incurred obligations. Provided, however, there shall never be a valid lien authorized or fixed on any school building wherein actual classroom instruction of pupils attending such school is being carried on or conducted.

(h) The word "interest-bearing time warrant" as used in this section means promissory note, interest-bearing time warrant, obligation or other evidence of indebtedness issued under this section.

(i) Taxes levied in any year to pay principal and interest of bonds and which taxes subsequently become delinquent for the purpose of this section, shall not be included in the term taxes or revenues or delinquent taxes as herein used.

**§ 20.44. Delinquent Tax Penalties in Independent Districts Having City of 275,000**

(a) That the board of education or the board of trustees, as the case may be, of any independent school district within the State of Texas, whether created by general law or special act of the legislature, and wherein there may be situated a city having not less than 275,000 population according to the last preceding federal census, shall have the power by passing a resolution bby <sup>1</sup> a majority vote of the members of said board of education or board of trustees, as the case may be, beginning with 1933 delinquent taxes due to any such school district, to require in addition to the payment of any such delinquent taxes, in lieu of the present penalties provided by law, the payment of a penalty of two percent upon the amount of the tax due if paid during the first month of such delinquency, four percent if paid during the second month of such delinquency, six percent if paid during the third month of such delinquency, eight percent if paid during the fourth month of such delinquency, nine percent if paid during the fifth month of such delinquency, and 10 percent if paid thereafter. Such resolution shall provide that, in addition to the payment of the tax and penalty as provided, interest at the rate of six

percent per annum shall be charged and paid upon the gross amount of the tax and penalty due from the date the tax became delinquent until paid.

(b) Until and unless the board of education or board of trustees of any such independent school district shall pass the resolution provided for in the next preceding section hereof, the penalties and interest now provided by law on delinquent taxes due to any such independent school district shall be and remain in full force and effect.

(c) Notwithstanding the fact that such board of education or board of trustees of any such independent school district may hereafter, during any particular year, pass a resolution as provided for in Subsection (a) of this section, such action may be rescinded as to future years thereafter by a resolution passed by such board of education or board of trustees in any such school district by a majority vote of the members of such board of education or board of trustees, in which event the same interest and penalties now provided by law on delinquent taxes due to independent school districts shall immediately accrue on all taxes thereafter becoming delinquent if such taxes be not paid before the same become delinquent.

1. So in enrolled bill.

#### § 20.45. Pledge of Delinquent Taxes as Security for Loan

The board of trustees of any school district of Texas is hereby authorized to pledge its delinquent school taxes levied for local maintenance purposes for specific school years as security for a loan, and such delinquent taxes pledged shall be applied against the principal and interest of the loan as they are collected. Provided, there shall be no pledging of delinquent taxes levied for school bonds for purposes herein set out. Funds secured through such loans may be employed for any legal maintenance expenditure or purpose of the school district. Provided further, that such loans may bear interest at a rate not to exceed six percent per annum.

#### § 20.46. Additional Tax for Construction, Repair and Equipment of School Buildings; Purchase of Sites; Election

(a) Any school district, whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 190,000 according to the last preceding federal census, shall have the authority to levy an ad valorem tax, not to exceed 50 cents per \$100 valuation, for the purpose of paying the cost of the purchase, construction, repair, renovation or equipment of public free school buildings and the purchase of necessary sites therefor, provided, however, that no bonds or other evidence of indebtedness may be issued payable in whole or in part from the tax herein authorized; and provided further that no contract shall be made which will encumber more than the revenues to be collected from said tax in any one fiscal year.

(b) This additional tax for the maintenance of public free schools shall not be levied or collected until such time as it has been approved by a majority<sup>1</sup> of the resident, qualified, property-taxpaying voters who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose, have approved the additional maintenance tax. Nothing herein shall prohibit the submission of other propositions at such election; provided, however, that the proposition for the additional maintenance tax shall not be in-

cluded in any other maintenance tax proposition, but shall be voted upon separately.

(c) It is the intent of this section to confer upon the school districts situated in large counties the right and power to make contracts for the expenditure of current funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations, and shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the additional maintenance tax shall be called and held in the manner provided by Section 20.04(a) and (e) of this code.

(d) The provisions of this statute shall not preclude the use of other tax revenues for such revenues to be so used.

1. So in enrolled bill.

**§ 20.47. Additional Tax for Construction, Repair and Equipment of School in Counties With Population in Excess of 150,000; Purchase of Sites; Election**

(a) Any school district whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 150,000 according to the last preceding federal census and having or acquiring the authority to levy under then existing law an ad valorem tax of not to exceed \$1.75 per \$100.00 of assessed valuation for maintenance purposes, shall have the authority to levy, apportion and expend out of any such maintenance tax levy \$.50 per \$100.00 of assessed valuation for the purpose of paying the cost of purchase, construction, repair, renovation and equipment of public free school buildings and purchase of sites therefor; provided, however, that no bonds or other evidences of indebtedness may be issued payable in whole or in part from the maintenance tax so levied and allocated and provided further that no contract shall be made which will encumber more than the revenues on hand and to be collected from said tax in any one fiscal year.

(b) The levy, allocation and expenditure of such portion of the maintenance tax as herein provided, may be made after such action has been approved by a majority of the resident, qualified property tax paying voters, who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose. This section shall not affect maintenance taxes levied for the year 1958 and prior years by any school district adopting same.

(c) It is the intent of this section to confer upon school districts to which it is applicable now or hereafter, the right and power to make contracts for the expenditure of maintenance funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations and this section shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the allocation and expenditure of such maintenance tax as provided herein shall be called and held in the manner provided by Section 20.04(a) and (3) <sup>1</sup> of this code.

(d) The provisions of this statute shall not preclude the use of any tax revenues for the same or different purposes as herein specified to the extent it is now lawful for such revenues to be used.

1. Possibly should read "(e)".

**§ 20.48. Authorized Expenditures**

(a) The public free school funds shall not be expended except as provided in this section.

(b) The state and county available funds shall be used exclusively for the payment of teachers' and superintendents' salaries, fees for taking the scholastic census, and interest on money borrowed on short time to pay salaries of teachers and superintendents, when these salaries become due before the school funds for the current year become available; provided that no loans for the purpose of payment of teachers shall be paid out of funds other than those for the then current year.

(c) Local school funds from district taxes, tuition fees of pupils not entitled to free tuition and other local sources may be used for the purposes enumerated for state and county funds and for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employees, for buying school sites, buying, building and repairing and renting school houses, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county districts to be approved by the county superintendent; provided, that when the state available school fund in any city or district is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.

(d) All independent school districts having within their limits a city with a population of 160,000 or more according to the last preceding federal census shall, in addition to the powers now possessed by them for the use and expenditure of local school funds and for the issuance of school bonds, be expressly authorized and empowered, at the option of the governing body of any such school district, in the buying of school sites and/or additions to school sites and in the building of school houses, to issue and deliver notes of the school district, negotiable or non-negotiable in form, representing all or a part of the purchase price or cost to the school district of the land and/or building so purchased or built, and to secure such notes by a vendor's lien and/or deed of trust lien against such land and/or building, and, by resolution or order of the governing body of the school district made at or before the delivery of such notes, to set aside and appropriate as a trust fund, and the sole and only fund, for the payment of the principal of and interest on such notes such part and portion of the local school funds, levied and collected by the school district in that year and/or subsequent years, as the governing body of the school district may determine, provided that in no event shall the aggregate amount of local school funds set aside in or for any subsequent year for the retirement of such notes exceed, in any one such subsequent year, 10 percent of the local school funds collected during such year.

#### § 20.49. Borrowing Money for Current Maintenance Expenses

(a) Independent or consolidated school districts are hereby authorized to borrow money for the purpose of paying maintenance expenses and to evidence such loans with negotiable notes; provided that at no time shall said loans exceed 75% of the previous years' income. Such notes shall be payable only from current maintenance taxes levied at or before the time of making such loans and from delinquent maintenance taxes. The term "maintenance expenses" or "maintenance expenditures" as used in this section means any lawful expenditure of the school district other than payment of principal of and interest on bonds.

(b) Such notes may be issued only after a budget has been adopted for the current school year and the maintenance expenditures stated therein do not exceed the maintenance tax levied for the current year, plus the

delinquent maintenance taxes expected by the board of trustees to be collected during the then current school year. A budget, within the meaning of this section, may be amended or a new budget may be adopted at any time before the issuance of such notes.

(c) Such notes shall be authorized by resolution adopted by a majority vote of the board of trustees, signed by the president or vice president and attested by the secretary of said board. The notes shall bear interest at a rate of not to exceed six percent per annum.

(d) Any such note may contain a certification that it is issued pursuant to and in compliance with this section, and pursuant to a resolution duly adopted by the board of trustees, and such certification shall constitute sufficient evidence that said note is a valid and binding obligation of the district.

(e) This section is cumulative of and is not intended to replace or impair the provisions of Section 20.48 of this code.

**§ 20.50. Contracts for Athletic Facilities**

(a) Any independent school district, acting by and through its board of trustees, is hereby authorized to enter into a contract with any corporation, or any city or any institution of higher learning of the State of Texas (State University or College) located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by, or under the control of, any such entity. Such contract may be for any period, not exceeding 75 years, and may contain such terms and conditions as may be agreed upon between the parties.

(b) The district may enter into such contract for the use of such stadium and other athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public free schools operated and maintained by such independent school district.

(c) The consideration for any such contract may be paid from any source available to such independent school district; but it<sup>1</sup> voted, as hereinafter provided, such independent school district shall be authorized to pledge to the payment of said contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of such consideration. If so voted and pledged, such maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to independent school districts for other maintenance taxes.

(d) No maintenance tax shall be pledged to the payment of any such contract or assessed, levied or collected unless an election is held in the independent school district and any such maintenance tax is duly and favorably voted by a majority of the resident, qualified electors of the independent school district who own taxable property therein and who have duly rendered the same for taxation, voting at said election. Each such election shall be called by order of the board<sup>1</sup> of trustees of the independent school district. The election order shall set forth the date of the election, the proposition to be submitted and voted on, the polling place or places, and any other matters deemed advisable by the board of trustees. Notice of said election shall be given by publishing a substantial copy of the order calling the election one time, at least ten days prior to the election, in a newspaper of general circulation in the district. Except as herein otherwise specifically provided, any such election shall<sup>1</sup> be held in accordance with the Texas Election Code.

1. So in enrolled bill.



**CHAPTER 21. PROVISIONS GENERALLY APPLICABLE TO  
SCHOOL DISTRICTS****SUBCHAPTER A. GENERAL PROVISIONS****Section**

- 21.001. Scholastic Year.
- 21.002. Scholastic Month.
- 21.003. Scholastic Week.
- 21.004. School Day.
- 21.005. Holidays.
- 21.006. Names of School Districts.

[Sections 21.007–21.030 reserved for expansion]

**SUBCHAPTER B. ADMISSION AND ATTENDANCE**

- 21.031. Admission.
- 21.032. Compulsory Attendance.
- 21.033. Exemptions.
- 21.034. Reports.
- 21.035. Violations of Attendance Requirements.
- 21.036. School Attendance Officer.
- 21.037. Selection of Attendance Officer.
- 21.038. Where No Attendance Officer Selected.
- 21.039. Powers and Duties of Attendance Officer.
- 21.040. Permissive Attendance.

**SUBCHAPTER C. TRANSFERS AND SCHOOL ASSIGNMENTS**

- 21.061. Transfers.
- 21.062. Application.
- 21.063. Approval and Certification.
- 21.064. Appeal.
- 21.065. Per Capita Apportionment.
- 21.066. Emergency Transfers.
- 21.067. Transfer for High School Purposes.
- 21.068. Certification of Eligibility.
- 21.069. Report.
- 21.070. Payments to Receiving District.
- 21.071. Per Capita Apportionment Payments.
- 21.072. Limitation.
- 21.073. Transfer to District of Bordering<sup>1</sup> State.
- 21.074. Transfer in Discretion of Governing Board.
- 21.075. Factors to be Considered.
- 21.076. Assignment on Basis of Sex.
- 21.077. Petition of Parent.
- 21.078. Hearing; Action on Petition; Appeal.
- 21.079. Transfers Between Districts or Counties.

1. So in enrolled bill.

**SUBCHAPTER D. COURSES OF STUDY**

**Section**

- 21.101. Courses of Study.
- 21.102. Patriotism.
- 21.103. Texas History.
- 21.104. Physiology and Hygiene.
- 21.105. Kindness to Animals.
- 21.106. Constitution.
- 21.107. Vocational Courses.
- 21.108. Other Courses.
- 21.109. Use of English Required.
- 21.110. Military Instruction.
- 21.111. Vocational and Other Educational Programs.
- 21.112. Police Administration and Fire Protection.

**SUBCHAPTER E. KINDERGARTEN**

- 21.131. Free Kindergarten.
- 21.132. Petition and Election.
- 21.133. Establishment.
- 21.134. Subsequent Elections.

**SUBCHAPTER F. SCHOOL BUSES**

- 21.161. General Rule.
- 21.162. Emergency Purchase.
- 21.163. Purchase of Bus in Operation.
- 21.164. Purchase With Donated Money, Etc.
- 21.165. Purchase Through Board of Control.
- 21.166. Financing.
- 21.167. Sale of Buses.
- 21.168. Rules and Regulations.
- 21.169. Compliance.
- 21.170. Operation of School Buses.
- 21.171. Regulations of Department of Education.

**SUBCHAPTER G. TEACHERS' EMPLOYMENT CONTRACTS**

- 21.201. Probationary or Continuing Contract.
- 21.202. Probationary Contract.
- 21.203. Probationary Contract—Termination.
- 21.204. Hearing.
- 21.205. Probationary Contract—Exception.
- 21.206. Continuing Contract.
- 21.207. Status Under Continuing Contract.
- 21.208. Administrative Personnel.
- 21.209. Discharge for Cause.
- 21.210. Release at End of Year.
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**SUBCHAPTER G. TEACHERS' EMPLOYMENT  
CONTRACTS—Continued****Section**

- 21.214. Decision of Board.
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**SUBCHAPTER H. RECORDS AND REPORTS**

- 21.251. Teachers' Records and Reports.
- 21.252. Reports to Commissioner.
- 21.253. Registration Card.
- 21.254. Withholding of Salary.
- 21.255. Financial Reports to Commissioner or Department of Education;  
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**SUBCHAPTER I. DISCIPLINE, LAW AND ORDER**

- 21.301. Suspension of Incurable Pupil.
- 21.302. Proceedings in Juvenile Court.
- 21.303. Parole.
- 21.304. Violation of Parole.
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**SUBCHAPTER J. SCHOOL-COUNTY LIBRARY FACILITIES**

- 21.351. Contract With County.
- 21.352. Procedure to Execute Contract.
- 21.353. Contract Provisions.
- 21.354. Construction of Library.
- 21.355. Management of Library.

**SUBCHAPTER K. CONSOLIDATED ELECTIONS <sup>1</sup>**

- 21.401. Consolidated Elections.
- 21.402. Agreement.
- 21.403. Election Officers.
- 21.404. Poll Lists, Ballot Boxes, Etc.
- 21.405. Returns; Canvass.

1. So in enrolled bill.

**SUBCHAPTER Z. MISCELLANEOUS PROVISIONS**

- 21.901. Contracts—Competitive Bidding.
- 21.902. Late Afternoon and Evening Sessions.
- 21.903. Donations to the Public Schools.
- 21.904. Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs.
- 21.905. Employment Consultation With Teachers.
- 21.906. Insurance for School Athletes.
- 21.907. Deaf and Deaf-Mute Students.
- 21.908. Court-Related Children—Liaison Officers.
- 21.909. Protective Eye Devices in Public Schools.

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section 21.001. Scholastic Year**

The scholastic year shall commence on the first day of September of each year and end on the thirty-first day of August thereafter.

**§ 21.002. Scholastic Month**

A school month shall consist of not less than 20 school days, inclusive of holidays.

**§ 21.003 Scholastic Week**

A school week shall consist of five days, inclusive of holidays.

**§ 21.004. School Day**

A school day shall be taught for not less than seven hours each day, including intermissions and recesses.

**§ 21.005. Holidays**

The public schools shall not be closed on legal holidays unless so ordered by the board of trustees.

**§ 21.006. Names of School Districts**

(a) Whenever the board of trustees of any school district in this state shall determine that the name of the district should be changed or amended by adding or deleting any word or words therefrom or any name or names of cities or towns, the board of trustees may, by resolution, change the name of the district.

(b) Notice of the change in name shall be given to the Central Education Agency by sending to the commissioner of education a copy of the resolution, attested by the president and secretary of the board of trustees of the school district. The district, under its changed name, shall be deemed to be a continuation of the district, as formerly named, for all purposes.

[Sections 21.007–21.030 reserved for expansion]

**SUBCHAPTER B. ADMISSION AND ATTENDANCE**

**§ 21.031. Admission**

(a) All children without regard to color over the age of six years and under the age of 18 years on the first day of September of any scholastic year shall be entitled to the benefits of the Available School Fund for that year.

(b) Every child in this state over the age of six years and not over the age of 21 years on the first day of September of the year in which admission is sought shall be permitted to attend the public free schools of the district in which he resides or in which his parent, guardian, or the person having lawful control of him resides at the time he applies for admission notwithstanding the fact that he may have been enumerated in the scholastic census of a different district or may have attended school elsewhere for a part of the year.

(c) The board of trustees of any public free school district of this state shall admit into the public free schools of the district free of tuition all persons over six and not over 21 years of age at the beginning of the scholastic year if such person or his parent, guardian or person having lawful control resides within the school district.

#### § 21.032. Compulsory Attendance

Unless specifically exempted by Section 21.033 of this code or under other laws, every child in the state who is as much as seven years of age and not more than 17 years of age shall be required to attend the public schools in the district of his residence or in some other district to which he may be transferred as provided or authorized by law a minimum of 165 days of the regular school term of the district in which the child resides or to which he has been transferred.

#### § 21.033. Exemptions

The following classes of children are exempt from the requirements of compulsory attendance:

(1) any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship and which shall make the English language the basis of instruction in all subjects;

(2) any child whose bodily or mental condition is such as to render attendance inadvisable and who holds a definite certificate of a reputable physician specifying the condition and covering the period of absence;

(3) any child who is blind, deaf, dumb, or feebleminded and for whom no adequate provision for instruction has been made by the school district;

(4) any child living more than two and one-half miles by direct and traveled road from the nearest public school and having available to him no free school transportation; and

(5) any child more than 17 years of age who has satisfactorily completed the work of the ninth grade and who presents to the county superintendent satisfactory evidence showing that his services are needed in support of a parent or other person standing in a parental relation to the child.

#### § 21.034. Reports

(a) The failure of any child within the compulsory attendance age to enroll in school shall be determined upon the basis of the reports prescribed by this section.

(b) The county superintendent of each county shall furnish to the superintendent of schools of each school district in the county, or to the principal in the event there be no superintendent, a complete list of all children belonging in the district as shown by the last scholastic census and the record to<sup>1</sup> transfers to and from the district.

(c) Each superintendent or principal shall report to the county superintendent the names of all children subject to the provisions of this subchapter who have not enrolled in the school.

(d) The superintendent, principal, or other official of any private, denominational, or parochial school shall furnish the county superintendent a list of all children of scholastic age enrolled in the school and the district in which each child was enumerated in the public school census.

(e) From the lists supplied by the public school superintendents and principals and by the officials of any private, denominational, or parochial schools, the county superintendent shall compile a list for each district showing all children who are shown by the census to be of scholastic age but who have not enrolled in any school. The list for each district shall be furnished to the person or persons serving as attendance officer for the district.

1. So in enrolled bill.

**§ 21.035. Violations of Attendance Requirements**

(a) Violations of the compulsory attendance law by absence after enrollment shall be determined upon the basis of the provisions of this section.

(b) Any child not excepted from compulsory school attendance may be excused, as provided by this section, for temporary absence resulting from personal sickness, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other unusual cause acceptable to the teacher, principal, or superintendent of the school in which the child is enrolled.

(c) The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the child.

(d) The person discharging the duties of attendance officer of the school may investigate any case in which an excused absence is requested.

(e) Any teacher giving instruction to any child within the compulsory attendance age shall promptly report any unexcused absence to the person serving as attendance officer for the school.

**§ 21.036. School Attendance Officer**

(a) In compliance with the terms of this section, a school attendance officer may be elected by either of the following types of governing bodies:

- (1) The county school trustees of any county having a scholastic population of more than three thousand (3,000).
- (2) The board of trustees of any independent school district having a scholastic population of more than two thousand (2,000).

**§ 21.037. Selection of Attendance Officer**

(a) Authorization to elect a school attendance officer shall be derived from the provisions of this section.

(b) A petition requesting and explaining the need for a school attendance officer and signed by at least 50 resident freeholders of the area involved shall be presented to the county school<sup>1</sup> trustees or the trustees of the independent school district, as the case may be.

(c) The governing body, upon receipt of a petition as prescribed as Subsection (b) of this section, shall set a date for a public hearing and give notice thereof by publication in a newspaper published at the county seat for three consecutive weeks or, if there be no such newspaper, by posting printed notices in two public places within the area and one at the courthouse door of the county.

(d) If, after the public hearing, the governing body is of the opinion that a school attendance officer is necessary to the proper enforcement of the compulsory attendance law and that the school concerned will be

benefited by such an officer, the governing body may elect an attendance officer.

(e) An elected attendance officer may be compensated from the available school funds belonging to the county or independent school district.

(f) An elected attendance officer may, at the option of the county or independent district governing body, be the probation officer or some officer or officers of the juvenile court of the county.

1. So in enrolled bill.

#### § 21.038. Where No Attendance Officer Selected

In those counties and independent school districts where no attendance officer has been elected, the duties of attendance officer shall devolve upon the school superintendents and peace officers of the counties and districts, but no additional compensation may be paid for the services.

#### § 21.039. Powers and Duties of Attendance Officer

(a) A school attendance officer shall have the following powers and duties:

- (1) to investigate all cases of unexcused absences from school;
- (2) to administer oaths and to serve legal process;
- (3) to enforce the provisions of the compulsory attendance law;
- (4) to keep records of all cases of any kind investigated by him in the discharge of his duties;
- (5) to make all reports of his work required of him by the commissioner of education; and
- (6) to proceed in juvenile court against any incorrigible pupil, or against any recalcitrant person having parental control as provided in Section 4.25 of this code.

(b) A school attendance officer shall not invade or enter any private home or private residence or any part thereof without the permission of the owner or tenant except to serve lawful process upon a parent, guardian, or other person standing in parental relation to a child affected by the compulsory attendance law.

(c) A school attendance officer shall not forcibly take corporal custody of any child anywhere without permission of the parent, guardian, or other person standing in parental relation to the child except in obedience to a valid process issued by a court of competent jurisdiction.

#### § 21.040. Permissive Attendance

The board of trustees of any school district may, upon such terms as it may deem just and proper, admit pupils either over or under the school age, either in or out of the district, but in admitting such pupils the board shall see to it that the schools are not overcrowded to the neglect and injury of pupils within the scholastic age.

### SUBCHAPTER C. TRANSFERS AND SCHOOL ASSIGNMENTS

#### § 21.061. Transfers

Any child lawfully enrolled in any school district may be transferred either to another district within the same county or, if distance or danger makes attendance in his own county hazardous or inadvisable, to an adjoining district in another county.

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**§ 21.062. Application**

(a) Application to transfer under the terms of Section 21.061 of this code must be made to the county superintendent of the county having jurisdiction of the district in which the child resides.

(b) The application must be made in writing by the parent or guardian or person having lawful control of the child to be transferred. The applicant must state in the application that it is his bona fide intention to send the child to the school to which transfer is asked.

(c) To be effective for the next following scholastic term, the application must be filed not later than June 1.

1. So in enrolled bill.

**§ 21.063. Approval and Certification**

The county superintendent to whom the application is submitted must approve the transfer not later than June 1 of the calendar year in which the transfer is to be effective and must certify the transfer to the State Department of Education and to the district to which the child is transferred.

**§ 21.064. Appeal**

Any district may, if it is dissatisfied with the transfer, appeal to the county school trustees who shall have the right to annul and cancel the transfer.

**§ 21.065. Per Capita Apportionment**

(a) The State Department of Education shall authorize the state treasurer to pay in the following manner the per capita apportionment of each pupil whose transfer is not appealed or whose transfer, if appealed, is approved.

(b) If the transfer is to an independent school district with a scholastic population of 500 or more, the payment shall be made directly to the district.

(c) If the transfer is to any district other than an independent school district with a scholastic population of 500 or more, the payment shall be made to the county superintendent to be paid by him to the district to which the pupil was transferred.

**§ 21.066. Emergency Transfers**

(a) Emergency transfers of state apportionment for any child or children of school age may be made only under the provisions of this section.

(b) Emergency transfers may be made only from a county or counties where a public calamity, such as serious floods, prolonged drought, or extraordinary border disturbances, occurring after the taking of the scholastic census, has resulted in such a sudden change in scholastic population as to create a hardship in the support of the public schools.

(c) Emergency transfers may be made only on application of the county or district trustees of the county or district to which the transfer is to be made. The application formally requesting the transfer must be made to the commissioner of education before June 1 of the year in which the conditions warranting the transfer occur. The application must set forth the facts warranting the transfer and show that it may properly be granted under the terms of this section.

(d) No application for emergency transfer shall be granted unless:

(1) the increase in scholastic population, as evidenced by a list of pupils actually residing within the district but not enumerated in the



census of the district as filed with the State Department of Education, is in excess of 20 percent of the number of children assigned to the district as a result of the scholastic census and regular transfers; and

(2) the sudden change in scholastic population of the county or district would work a hardship in the support of the public free schools of the county or district in which the increase in population occurs.

(e) The commissioner of education may grant an application fulfilling the above qualifications and, with the approval of the State Board of Education, order any apportionment or apportionments transferred, in which event the commissioner of education shall notify the county superintendents of each county involved and the board of trustees of any independent school district involved that the final apportionment of school funds cannot be made under these circumstances before June 15.

(f) All arrangements for emergency transfers must be completed by June 15 of the year following the occurrence of the unusual condition causing the emergency.

(g) Children whose state funds are thus transferred to any county shall be included in the number of children for whom the county school apportionment of the county is made.

#### § 21.067. Transfer for High School Purposes

Any pupil not more than twenty-one (21) years of age who has been promoted to a high school grade not taught in his home district shall have the right to transfer to and to attend a standardized, classified, or affiliated high school either in his home county or in any other county in the State. Transfers of funds under such conditions shall be regulated by Sections 21.068–21.072 of this code.

#### § 21.068. Certification of Eligibility

(a) Not later than 30 days after notification of the entrance of any pupil in a receiving high school, certification of his eligibility for tuition privileges in the high school of the receiving district shall be made to the State Department of Education by the receiving district and by the sending district as provided by this section.

(b) If the sending school district is a common school district or an independent school district under the budget control of the county superintendent, the certificate of eligibility must be signed both by the superintendent or principal of the sending district and by the county superintendent. In that event the county superintendent must file with the State Department of Education, not later than October 1 of each year, a copy of the budget of the sending district and any other information which will enable the State Department of Education to estimate the amount of high school tuition that the sending district will be able to pay, but the amount of the state or county available funds of a sending district which may be used for this purpose shall be limited to the per capita apportionment for each pupil actually transferred.

(c) If the sending school district is an independent school district not under the budgetary control of a county superintendent, the superintendent of the sending district shall sign the certificate of eligibility and, not later than October 1 of each school year, file with the State Department of Education a copy of the budget of his district and any other information which will enable the State Department of Education to estimate the

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amount of high school tuition that the district will be able to pay, but the amount of the state or county available funds of the sending district which may be used for this purpose shall be limited to the per capita apportionment for each pupil actually transferred.

(d) The signing of the certificate by the sending district shall obligate the district and the state to pay to the receiving school district the amount of high school tuition due it as determined under the rules of the State Department of Education.

**§ 21.069. Report**

At the close of each semester, each receiving high school district shall make to the State Department of Education and to the budgetary authority of the sending school district or districts a report showing:

- (1) the name of the sending district and the county in which it is located;
- (2) the name, age, grade, attendance record, and rate of tuition of each pupil received under the terms of this section;
- (3) an itemized statement of the amount of tuition due the receiving district.

**§ 21.070. Payments to Receiving District**

(a) Upon the basis of the attendance reports approved by the State Department of Education, warrants shall be issued semiannually by the state directly to the receiving high school district for the payment of the tuition due.

(b) Each sending district indebted to a high school district for tuition shall issue a warrant to the receiving high school district, not later than June 15 of each fiscal year, for all of its surplus maintenance funds, or as much thereof as may be necessary to pay the entire tuition account of the sending district to the receiving district. County equalization funds may be used to defray in whole or in part rural high school tuition fees.

(c) Not later than July 1 of each year, each receiving high school district shall certify to the State Department of Education the amount received by it as tuition from each sending district. The amount paid by the sending district shall be deducted from the second semiannual payment made by the state to the receiving school. If any high school district should receive from the State Department of Education an amount in excess of the total tuition charged by the receiving district, the district shall return all excess payment to the State Department of Education to be deposited with the state treasurer to the credit of the fund from which it came.

(d) The commissioner of education shall withhold any and all funds due any district that refuses or fails to execute forms required by the State Department of Education for pupils eligible to have their high school tuition paid by the home district and the state.

**§ 21.071. Per Capita Apportionment Payments**

The state per capita available fund for each pupil transferred for high school purposes under Section 21.067 of this code and enrolled in the school to which he has been transferred, shall be distributed to the districts to which such pupils have been transferred as the apportionment is paid by the state. If any district fails to pay any per capita apportionment, as above provided, the commissioner of education, upon notification of such failure by affidavit of the receiving district, shall investigate the

accounts and, if he finds that the obligation is in fact due, shall withhold from the home district of the transferred pupil or pupils such an amount as the district may owe to any other district until the obligation has been paid.

**§ 21.072. Limitation**

The obligation of the state to pay high school tuition for pupils transferred under Section 21.067 of this code shall be limited to a maximum of \$7.50 per month per pupil.

**§ 21.073. Transfer to District of Bordering State**

(a) Any child who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of his residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district.

(b) Such arrangements must be approved by the county superintendent and the county school trustees of the Texas county of residence.

(c) The restrictions of Sections 21.068–21.072 of this code with regard to the payment of high school tuition shall not apply to transfers to contiguous state high schools.

**§ 21.074. Transfers in Discretion of Governing Board**

(a) In conformity with the provisions of Sections 21.075–21.078 of this code, the board of trustees of any school district or any board of county school trustees shall have authority to transfer and assign any pupil or pupils from one school facility or classrooms to another within its jurisdiction.

(b) Such transfers may not be made by any general or blanket order but must be made upon an individual basis as specified herein.

(c) The authority herein granted may be exercised by the board directly or may be delegated by it to the superintendent of schools or to any other person or persons employed by the board.

**§ 21.075. Factors to be Considered**

(a) In the assignment, transfer, or continuance of pupils among and within the schools, or within the classroom and other facilities thereof, the following factors and the effect or result thereof shall be considered, with respect to the individual pupil as well as other relevant matters:

- (1) available room and teaching capacity in the various schools;
- (2) availability of transportation facilities;
- (3) effect of the admission of new pupils upon established or proposed academic programs;
- (4) suitability of established curricula for the particular pupil;
- (5) adequacy of the pupil's academic preparation for admission to a particular school and curriculum;
- (6) scholastic aptitude and relative intelligence or mental energy or ability of the pupil;
- (7) psychological qualification of the pupil for the type of teaching and associations involved;

- (8) effect of the admission of the pupil upon the academic progress of other students in the particular school or facility thereof;
  - (9) effect of the admission of the pupil upon prevailing academic standards at a particular school;
  - (10) psychological effect upon the pupil of attendance at a particular school;
  - (11) possibility or threat of friction or disorder among pupils or others;
  - (12) possibility of breaches of the peace or ill will or economic retaliation within the community;
  - (13) home environment of the pupil;
  - (14) maintenance or severance of established social and psychological relationships with other pupils and with teachers;
  - (15) choice and interest of the pupil;
  - (16) morals, conduct, health, and personal standards of the pupil; and request or consent of parents or guardians and the reasons assigned therefor.
- (b) The board or the person acting for the board shall not consider a factor in its evaluation any matter relating to the national origin of the pupil or the pupil's ancestral language.

**§ 21.076. Assignment on Basis of Sex**

A board may require the assignment of pupils to any or all schools within its jurisdiction on the basis of sex, but assignments of pupils of the same sex among schools reserved for that sex shall be made in the light of the factors set out in Section 21.075(a) of this code.

**§ 21.077. Petition of Parent**

The parent or person standing in parental relation to any pupil may by petition in writing either:

- (1) request the transfer or assignment of the pupil to a designated school or to a school to be designated by the board; or
- (2) file objections to the assignment of the pupil to the school to which he has been assigned.

**§ 21.078. Hearing; Action on Petition; Appeal**

(a) Upon receipt of a petition of either type described in Section 21.077 of this code, the board shall:

- (1) if no hearing is requested, act upon the petition within 30 days and notify the petitioner of its conclusion; or
- (2) if a hearing is requested, designate a time and place for the holding of a hearing within 30 days.

(b) Whenever a hearing is requested, it shall be conducted by the board in compliance with the provisions of this section.

(c) The hearing shall be final on behalf of the board except as specified in Subsection (f) of this section.

(d) The petitioner may present evidence relevant to the individual pupil.

(e) The board may conduct investigations as to the objection or request, examine the pupil or pupils involved, and employ agents, professional or otherwise, for the purpose of such examinations and investigations.

(f) The decision of the board, either with or without hearing, shall be final unless the pupil or the parent, guardian, or custodian of the pupil

as next friend, shall file exception to the action of the board as constituting a denial of any right of the pupil guaranteed under the constitution of the United States.

(g) In the event exception is filed on the ground that the decision of the board constitutes a denial of a right of the pupil guaranteed under the constitution of the United States and the board does not within 15 days reconsider its final action, an appeal may be taken from the final action of the board, on that ground alone, to the district court of the county in which the board is located, in which event:

(1) the petition must be filed within 30 days from the date of the board's final decision;

(2) the petition must state the facts relevant to the pupil as bearing on the alleged denial of his rights under the constitution of the United States; and

(3) the petition must be accompanied by bond, with sureties approved by the clerk of the court, conditioned to pay all costs of appeal if the same shall not be sustained.

#### § 21.079. Transfers Between Districts or Counties

The boards of trustees of two or more adjoining districts or the boards of county school trustees of two or more adjoining counties may, by mutual agreement and under the same rules specified in Sections 21.075–21.078 of this code, arrange for the transfer and assignment of any pupil or pupils from the jurisdiction of one board to that of another, in which event the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

### SUBCHAPTER D. COURSES OF STUDY

#### § 21.101. Courses of Study

All public free schools in this state shall be required to offer instruction in the following subjects: English grammar, reading in English, orthography, penmanship, composition, arithmetic, mental arithmetic, United States history, Texas history, modern geography, civil government, physiology and hygiene, physical education, and, in all grades, a course or courses in which some attention is given to the effects of alcohol and narcotics. Such subjects shall be taught in compliance with any applicable provision of this subchapter.

#### § 21.102. Patriotism

The daily program of every public school shall be so formulated by the teacher, principal, or superintendent as to include at least 10 minutes for the teaching of intelligent patriotism, including the needs of the state and federal governments, the duty of the citizen to the state, and the obligation of the state to the citizen.

#### § 21.103. Texas History

The history of Texas shall be taught in all public schools in and only in the history courses of all such schools. The course shall be taught for not less than two hours in any one week. The commissioner of education shall notify the different county, city, and district superintendents as to how the course may be divided.

**§ 21.104. Physiology and Hygiene**

All textbooks on physiology and hygiene purchased in the future for use in the public schools of this state shall include at least one chapter on the effects of alcohol and narcotics. Although physiology and hygiene must be taught in all public schools, any child may be exempted, without penalty, from receiving instruction therein if his parent or guardian presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment, and the viewing of pictures or motion pictures on such subjects conflict with the religious teachings of a well-established church or denomination to which the parent or guardian and the child belong.

**§ 21.105. Kindness to Animals**

In the primary grades of all public schools in this state, suitable instruction shall be given with regard to kindness to animals and the protection of birds and their nests and eggs.

**§ 21.106. Constitution**

All public free high schools in this state shall teach and require a course of instruction in the constitutions of the United States and the State of Texas. The course shall be a combined course in both constitutions, and shall be given for at least one-half hour each week in the school year or at least one hour each week for one-half of the school year, or the equivalent thereof. No student shall be graduated from any public free high school in this state who has not passed a satisfactory examination in the course of instruction herein described.

**§ 21.107. Vocational Courses**

All public free high schools located outside of incorporated cities or towns shall be required, in addition to all other courses required by this subchapter, to offer instruction in agriculture, industrial arts, home economics, and other vocational studies.

**§ 21.108. Other Courses**

Courses other than those prescribed in the foregoing sections of this subchapter, including the Spanish language or any other modern language, may be required to be taught by:

- (1) the board of trustees of any school district for the schools within its district; or
- (2) the commissioner of education for all public free schools within the state or any recognized division of such schools.

**§ 21.109. Use of English Required**

Except for authorized courses in a foreign language, all courses at all grades in the public schools shall be conducted in the English language.

**§ 21.110. Military Instruction**

(a) In all school districts wherein military instruction is conducted pursuant to a state or federal law requiring the district to give bond or otherwise indemnify the State of Texas or the United States or any authorized agency of either in an amount and upon conditions determined by any agency under authority of and pursuant to such law for the care,

safe-keeping, and return of property furnished, the board of trustees of the school district shall have authority to:

(1) make contracts with the proper governmental agency with respect to the teaching of such courses in military training; and

(2) execute, as principal or surety, a bond or bonds to secure the contracts for the purpose of procuring arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property.

(b) In those school districts wherein military instruction is given as provided in Subsection (a) of this Section, available school funds may be expended to:

(1) procure from any guaranty or surety company any bond or bonds authorized above, in such amount and on such conditions as may be required by the governmental agency; or

(2) reimburse the State of Texas or the United States for any loss pursuant to the terms of any contract entered into.

#### § 21.111. Vocational and Other Educational Programs

(a) The board of trustees of any public free school district of this state, subject to rules and regulations of the Central Education Agency heretofore and hereafter adopted, is hereby authorized and empowered to conduct and supervise vocational classes and other educational programs for students of all ages; and whenever it deems necessary to expend local maintenance funds for the cost thereof.

(b) For purposes of conducting and/or supervision by the district of such vocational classes and other educational programs for students of any and all ages, said board of trustees is hereby authorized and empowered to purchase, acquire or lease real or personal property; to contract or enter into agreements with any department or agency of the United States or this state, subject to rules and regulations prescribed by the Central Education Agency appertaining to such educational programs; and to contract or enter into agreements with any person, partnership, firm or corporation pertaining to the local operation and supervision of such programs by the district.

#### § 21.112. Police Administration and Fire Protection Administration

Beginning with the 1967-1968 school year, every independent school district in a county having a population of 200,000 or more, according to the last preceding federal census, may offer in each high school for senior students a one-semester course in police administration and a one-semester course in fire protection administration, to be conducted according to the State Department of Education's requirements relating to curricula and teaching materials. Such courses, if offered, shall be elective courses.

### SUBCHAPTER E. KINDERGARTEN

#### § 21.131. Free Kindergarten

The board of trustees of any school district in Texas is hereby authorized to establish and maintain as a part of the public free schools of said district one or more kindergartens for the training of children residing in said district who are under the scholastic age and who are at least five years of age.

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**§ 21.132. Petition and Election**

(a) The board of trustees of any school district shall, upon the petition of 20 percent of the qualified voters residing within the school district, call an election within 60 days of the filing of such petition to determine by a majority vote of the legally qualified voters residing in such district whether or not the district shall establish and maintain a kindergarten as a part of the public free schools of such district. Such petition shall be filed between April 1 and June 1 of any year.

(b) At such election the ballot shall have printed thereon the following: "FOR public kindergarten"; and "AGAINST public kindergarten."

(c) If a majority of the votes cast at such election favor the exercise of the power herein granted, the board of trustees shall establish and maintain such kindergarten, or kindergartens, as such board deems in the best interests of the residents of the district as a part of the public free schools of the district for the training of children under the scholastic age down to and including five years residing in the district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such kindergartens as such board shall deem best.

**§ 21.133. Establishment**

After voter approval of a kindergarten for a school district, the board of trustees shall establish the kindergarten by the commencement date of the next scholastic year following the year in which the election is held. The cost of establishing and maintaining such kindergartens shall be paid from the special school tax of said districts. The kindergartens shall be a part of the public school system and shall be governed, as far as practicable, in the same manner and by the same officers as are or may be provided by law for the government of the other public schools of the state.

**§ 21.134. Subsequent Elections**

If an election should be called and held hereunder in any school district and the proposition should fail to receive a majority of the votes cast, then no additional election shall be called on such proposition in such school district until at least one year after the date that such prior election was held.

**SUBCHAPTER F. SCHOOL BUSES**

**§ 21.161. General Rule**

Except as specifically authorized by this subchapter all motor vehicles used for transporting school children (including buses, bus chassis, and bus bodies, tires and tubes, but excluding passenger cars), purchased by or for any school district participating in the Foundation School Program, shall be purchased by and through the State Board of Control.

**§ 21.162. Emergency Purchase**

Any of the items specified in Section 21.161 of this code may, in instances where an emergency requires an immediate purchase thereof, be purchased by any school district or the school trustees of any county provided the purchase is reported to and approved by the Board of Control.



**§ 21.163. Purchase of Bus in Operation**

The board of trustees of any school district in this state may purchase, with the approval of and at a price determined by the Board of Control, any privately-owned or contracted school bus now in operation in the transportation of school children, but the owners of such buses are not obligated to sell to the school district.

**§ 21.164. Purchase With Donated Money, Etc.**

Without the approval of the Board of Control, the board of trustees of any school district may purchase buses, bodies, chassis, tires, or tubes with funds provided by gifts or by profits from athletic contests or other school enterprises in no way supported by tax funds or grants or appropriations from any governmental agency, either state or federal.

**§ 21.165. Purchase Through Board of Control**

(a) The purchase of motor vehicles (including buses, bus chassis, bus bodies, tires, and tubes) by the Board of Control shall be made in compliance with the provisions of this section.

(b) The purchase must be made on the basis of competitive bids submitted under such rules and regulations as may be made by the Board of Control.

(c) The purchase must be authorized by a requisition, which may be submitted by either a board of county school trustees or the board of trustees of a school district. The requisition must include a general description of the article or articles desired, as well as any other applicable matter specified in this section.

(d) If the requisition is for the purchase of a motor vehicle, bus, bus body, or bus chassis, it must be approved by the county school trustees and by the commissioner of education.

(e) If the requisition is for the purchase of tires and tubes, it must be approved by either the county superintendent or the county school trustees.

(f) If the requisition is for the purchase of special equipment required, because of climatic or road conditions, to guarantee adequate safety and comfort of school children, the requisition must describe the special conditions and requirements so that the Board of Control may purchase equipment which it determines to be adapted or designed for the conditions or requirements.

(g) The requisition must contain a certification as to the funds that will be available to pay for the article or articles requisitioned.

**§ 21.166. Financing**

(a) Any school district financially unable to comply with the requirements of immediate payment for any motor vehicle, including buses, bus bodies, or bus chassis purchased by it, may, subject to the provisions hereunder, issue interest-bearing time warrants in amounts sufficient to make such purchase, any other law to the contrary notwithstanding.

(b) The warrants shall mature in serial installments not more than five years from the date of issue, and shall bear interest at a rate not to exceed six percent per annum. The warrants shall be issued and sold at not less than their face value.

(c) The proceeds of the sale of the warrants shall be used to provide the funds required for the purchase requisitioned.

(d) The warrants shall upon maturity and in the order of their maturity dates be payable out of any available funds of the school district and, as they become due, shall be entitled to first and prior payment out of such funds.

(e) Full records of all warrants issued and sold shall be kept by the school district and reported to the Board of Control.

**§ 21.167. Sale of Buses**

The sale price or trade-in value of any buses owned by any county or school district shall be considered in determining eligibility for transportation grants; and whenever any such buses are to be sold, traded in, or otherwise disposed of, they must be disposed of by the Board of Control or by the county school trustees or the trustees of the school district under such rules and regulations as the Board of Control may provide.

**§ 21.168. Rules and Regulations**

The Board of Control shall have the power to make rules or adopt regulations to effectuate the purpose of the purchase and sale provisions of this subchapter.

**§ 21.169. Compliance**

Compliance with the purchase and sale provisions of this subchapter shall be a condition precedent to participation in the Foundation School Fund. Any school district failing or refusing to comply shall be ineligible to share in the Foundation School Fund for one year from the date of such failure or refusal or violation of the terms hereof.

**§ 21.170. Operation of School Buses**

(a) The board of trustees of any school district or county school board providing transportation of pupils to and from school shall employ or contract with a responsible person or firm to provide operators for the buses in compliance with the provisions of this section.

(b) No driver shall be employed who is not at least 17 years of age, licensed as a chauffeur, and sound in body and mind.

(c) Each driver shall be required to give bond in an amount determined by the board but not less than \$2,000, payable to the employing board and conditioned upon the faithful and careful discharge of his duties for the protection of the pupils under his charge and the faithful performance of his contract with the board.

(d) The board shall require all drivers to bring their vehicles to a dead stop before crossing any railroad or interurban railway tracks. The failure to stop before any such crossing shall forfeit the driver's contract, and, in case of accident to pupils or to the vehicle, shall cause the driver's bond to be forfeited and the amount and all rights thereunder determined by a court of competent jurisdiction.

(e) The board shall see to it that all motor vehicles operated by the district in the transporting of pupils are equipped with efficient lights and brakes, with adequate protection from inclement weather, and with the safety devices specified in Section 4.18 of this code.

**§ 21.171. Regulations of Department of Education**

The boards of trustees of all school districts providing transportation for pupils and all drivers used in that service shall abide by any and all regulations pertaining thereto which may be promulgated by the State Department of Education as authorized in Section 11.12 of this code.

**SUBCHAPTER G. TEACHERS' EMPLOYMENT CONTRACTS****§ 21.201. Probationary or Continuing Contract**

Each teacher hereafter employed by any school district in this State shall be employed under, and shall receive from such district, a contract that is either a "probationary contract" or a "continuing contract" in accordance with the provisions of this subchapter if the school board chooses to offer such teacher a "probationary contract" or a "continuing contract." All such contracts shall be in writing, in such form as may be promulgated by or approved by the commissioner of education, and shall embody the terms and conditions of employment hereinafter set forth, and such other provisions not inconsistent with this subchapter as may be appropriate.

**§ 21.202. Probationary Contract**

Any person who is employed as a teacher by any school district for the first time, or who has not been employed by such district for three consecutive school years subsequent to August 28, 1967, shall be employed under a "probationary contract," which shall be for a fixed term as therein stated; provided, that no such contract shall be for a term exceeding three school years beginning on September 1 next ensuing from the making of such contract; and provided further that no such contract shall be made which extends the probationary contract period beyond the end of the third consecutive school year of such teacher's employment by the school district, unless the board of trustees determines and recites that it is in doubt whether the particular teacher should be given a continuing contract, in which event a probationary contract may be made with such teacher for a term ending with the fourth consecutive school year of such teacher's employment with the school district, at which time the employment of such teacher by such school district shall be terminated, or such teacher shall be employed under a continuing contract as hereinafter provided.

**§ 21.203. Probationary Contract—Termination**

The board of trustees of any school district may terminate the employment of any teacher holding a probationary contract at the end of the contract period, if in their judgment the best interests of the school district will be served thereby; provided, that notice of intention to terminate the employment shall be given by the board of trustees to the teacher on or before April 1, preceding the end of the employment term fixed in the contract. In event of failure to give such notice of intention to terminate within the time above specified, the board of trustees shall thereby elect to employ such probationary teacher in the same capacity, and under probationary contract status for the succeeding school year if the teacher has been employed by such district for less than three successive school years, or in a continuing contract position if such teacher has been employed during three consecutive school years.

**§ 21.204. Hearing**

In event a teacher holding a probationary contract is notified of the intention of the board of trustees to terminate his employment at the end of his current contract period, he shall have a right upon written request to a hearing before the board of trustees, and at such hearing, the teach-

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er shall be given the reasons for termination of his employment. After such hearing, the board of trustees may confirm or revoke its previous action of termination; but in any event, the decision of the board of trustees shall be final and non-appealable.

**§ 21.205. Probationary Contract—Exception**

The requirement to serve a probationary period shall not apply to any teacher who previously completed a probationary period under a contract with the school district where employed before September 1, 1967, and who was then considered to be on a permanent contract status as defined by the school district.

**§ 21.206 Continuing Contract**

Any teacher employed by a school district who is performing his third, or where permitted fourth, consecutive year of service with the district under probationary contract, and who is elected to employment by the board of trustees of such district for the succeeding year, shall be notified in writing of his election to continuing contract status with such district, and such teacher shall within 30 days after such notification file with the board of trustees of the employing school district notification in writing of his acceptance of the continuing contract, beginning with the school year following the conclusion of his period of probationary contract employment. Failure of the teacher to accept the contract within such 30 day period shall be considered a refusal on the part of the teacher to accept the contract.

**§ 21.207. Status Under Continuing Contract**

Each teacher with whom a continuing contract has been made as herein provided shall be entitled to continue in his position or a position with the school district, at a salary authorized by the board of trustees of said district complying with the minimum salary provisions of the foundation aid law, for future school years without the necessity for annual nomination or reappointment, until such time as the person:

- (1) resigns, or retires under the Teacher Retirement System;
- (2) is released from employment by the school district at the end of a school year because of necessary reduction of personnel as herein defined;
- (3) is discharged for lawful cause, as defined in Section 21.209 of this code and in accordance with the procedures hereinafter provided;
- (4) is dismissed at the end of a school year for any reason as set out in Section 21.210 of this code and pursuant to the procedures hereinafter provided in such cases; or
- (5) is returned to probationary status, as authorized in Section 21.210 of this code.

**§ 21.208. Administrative Personnel**

The board of trustees may grant to a person who has served as superintendent, principal, supervisor, or other person employed in any administrative position for which certification is required, at the completion of his service in such capacity, a continuing contract to serve as a teacher, and the period of service in such other capacity shall be construed as contract service as a teacher within the meaning of this subchapter.

**§ 21.209. Discharge for Cause**

Any teacher, whether employed under a probationary contract or a continuing contract, may be discharged during the school year for one or more of the following reasons, which shall constitute lawful cause for discharge:

- (1) immorality;
- (2) conviction of any felony or other crime involving moral turpitude;
- (3) drunkenness;
- (4) repeated failure to comply with official directives and established school board policy;
- (5) physical or mental incapacity preventing performance of the contract of employment; and
- (6) repeated and continuing neglect of duties.

**§ 21.210. Release at End of Year**

Any teacher employed under a continuing contract may be released at the end of any school year and his employment with the school district terminated at that time, or he may be returned to probationary contract employment for not exceeding the three succeeding school years, upon notice and hearing (if requested) as hereinafter provided, for any reason enumerated in Section 21.209 of this code or for any of the following additional reasons:

- (1) inefficiency or incompetency in performance of duties;
- (2) failure to comply with such reasonable requirements as the board of trustees of the employing school district may prescribe for achieving professional improvement and growth;
- (3) willful failure to pay debts;
- (4) habitual use of addictive drugs or hallucinogens;
- (5) excessive use of alcoholic beverages;
- (6) necessary reduction of personnel by the school district (such reductions shall be made in the reverse order of seniority in the specific teaching fields); or
- (7) for good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas.

**§ 21.211. Notice**

(a) Before any teacher shall be discharged during the year for any of the causes mentioned in Section 21.209 of this code, or before any probationary contract teacher shall be dismissed at the end of a school year before the end of the term fixed in his contract, or before any teacher holding a continuing contract shall be dismissed or returned to probationary contract status at the end of a school year for any of the reasons mentioned in Section 21.210 of this code, he shall be notified in writing by the board of trustees or under its direction of the proposed action and of the grounds assigned therefor.

(b) In the event the grounds for the proposed action relate to the inability or failure of the teacher to perform his assigned duties, the action shall be based upon the written recommendation by the superintendent of schools, filed with the board of trustees. Any teacher so discharged or dismissed or returned to probationary contract status shall be entitled, as

## § 21.211

a matter of right, to a copy of each and every evaluation report, or any other memorandum in writing which has been made touching or concerning the fitness or conduct of such teacher, by requesting in writing a copy of the same.

## § 21.212. Hearing

(a) If, upon written notification of the proposed action, the teacher desires to contest the same, he shall notify the board of trustees in writing within 10 days after the date of receipt by him of the official notice above prescribed, of his desire to be heard, and he shall be given a public hearing if he wishes or if the board of trustees determines that a public hearing is necessary in the public interest.

(b) Upon any charges based upon grounds of inefficiency, or inability or failure of the teacher to perform his assigned duties, the board of trustees may in its discretion establish a committee of classroom teachers and administrators, and the teacher may request a hearing before this committee prior to hearing of the matter by the board of trustees.

(c) Within 10 days after request for hearing made by the teacher, the board of trustees shall fix a time and place of hearing, which shall be held before the proposed action shall be effective. Such hearing shall be public unless the teacher requests in writing that it be private.

(d) At such hearing, the teacher may employ counsel, if desired, and shall have the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence in opposition thereto, or in extenuation.

## § 21.213. Suspension Without Pay

If the proposed action be discharged of the teacher for any of the reasons set forth in Section 21.209 of this code, the teacher may be suspended without pay by order of the board of trustees, or by the superintendent of schools if such power has been delegated to him by express regulation previously adopted by the board of trustees, but in such event the hearing shall not be delayed for more than 15 days after request for hearing, unless by written consent of the teacher.

## § 21.214. Decision of Board

If the teacher upon notification of any such proposed action fails to request a hearing within 10 days thereafter, or after a hearing as hereinabove provided, the board of trustees shall take such action and shall enter such order as it deems lawful and appropriate. If the teacher is reinstated, he shall immediately be paid any compensation withheld during any period of suspension without pay. No order adverse to the teacher shall be entered except upon majority vote of the full membership of the board of trustees.

## § 21.215. Appeals

(a) If the board of trustees shall order the teacher discharged during the school year under Section 21.209 of this code, the teacher shall have the right to appeal such action to the commissioner of education, for review by him, provided notice of such appeal is filed with the board of trustees and a copy thereof mailed to the commissioner within 15 days after written notice of the action taken by the board of trustees shall be given to the teacher; or, the teacher may challenge the legality of such

action by suit brought in the district court of any county in which such school district lies within 30 days after such notice of the action taken by the board of trustees has been given to the teacher.

(b) If the board of trustees shall order the continuing contract status of any teacher holding such a contract abrogated at the end of any school year and such teacher returned to probationary contract status, or if the board of trustees shall order that any teacher holding a continuing contract be dismissed at the end of the school year, or that any teacher holding a probationary contract shall be dismissed at the end of a school year before the end of the employment period covered by such probationary contract, the teacher affected by such order, after filing notice of appeal with the board of trustees, may appeal to the commissioner of education by mailing a copy of the notice of appeal to the commissioner within 15 days after written notice of the action taken by the board of trustees has been given to the teacher.

(c) Either party to an appeal to the commissioner shall have the right to appeal from his decision to the State Board of Education, according to the procedures prescribed by the State Board of Education. The decision of the State Board of Education shall be final on all questions of fact, but shall be subject to appeal to the district court of any county in which such school district or portion thereof lies, if the decision of the State Board:

- (1) is not supported in the record by substantial evidence;
- (2) is arbitrary or capricious; or
- (3) is in error in the application of existing law to the facts of the case.

(d) Trial procedure in the district court shall be the same as that accorded other civil cases on the docket of said court, with the decision of the trial court to be subject to the same rights of appeal under the Texas Rules of Civil Procedure as is accorded other civil cases so tried.

#### § 21.216. Resignations

(a) Any teacher holding a continuing contract with any school district, or holding a probationary contract with an unexpired term continuing through the ensuing school year, may relinquish the position and leave the employment of the district at the end of any school year without penalty by written resignation addressed to and filed with the board of trustees prior to August 1, preceding the end of the school year that the resignation is to be effective. A written resignation mailed by prepaid certified or registered mail to the superintendent of schools of the district at the post office address of the district shall be considered filed at time of mailing.

(b) Any teacher holding a continuing contract or such unfulfilled probationary contract may resign, with the consent of the board of trustees of the employing school district at any other time mutually agreeable.

(c) A teacher holding a probationary contract or a continuing contract obligating the employing district to employ such person for the ensuing school year, who fails to resign within the time and in the manner allowed under Subsections (a) and (b) of this section, and who fails to perform such contract, shall be ineligible for employment by any other Texas school district during the ensuing school year covered by such contract, and his teaching certificate shall be suspended for that school year only.

**SUBCHAPTER H. RECORDS AND REPORTS**

**§ 21.251. Teachers' Records and Reports**

(a) Each teacher in the public free schools of this state shall keep a daily register showing the names, ages, courses of study, and attendance records of all pupils which the teacher is instructing.

(b) The register shall be open to the inspection of all parents, school officers, and all other persons who may be interested.

(c) Each teacher shall make a monthly report following the directives of either the county superintendent or the commissioner of education. The monthly reports must be approved by a majority of the board of trustees of the district and must be filed by the board of trustees with the county superintendent at the time vouchers for teachers' salaries are presented.

(d) Each teacher shall, at the end of the school term, make such reports as may be prescribed by the commissioner of education. Until such reports are made, the trustees shall not approve a voucher for the last month of the teacher's salary, nor shall the county treasurer pay the same.

**§ 21.252. Reports to Commissioner**

The commissioner of education shall require of judges acting as ex-officio county superintendents of public schools, of county, city, and town superintendents, of county and city treasurers and depositories, and of treasurers and depositories of school boards, and of other school officers and teachers, such school reports relating to the school fund and to other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish the county, city, and town superintendents, treasurers, and depositories, and other school officers and teachers for the use of such teachers and officers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them.

**§ 21.253. Registration Card**

All teachers, librarians, school presidents, superintendents, principals, or other school officers employed by all schools supported wholly or partly by the state, shall fill out and send to the State Department of Education, before the expiration of the first school month of each annual session, a registration card, supplied by the State Department of Education, which card shall furnish blanks for useful statistical information; and the teachers, librarians, school presidents, superintendents, and principals shall not be paid the salary for the first month's services, except on the presentation of a receipt certifying that the registration card has been received by the State Department of Education.

**§ 21.254. Withholding of Salary**

The monthly salary of any county judge acting as ex-officio county superintendent of public schools, or any county, district, city or town superintendent, or principal or any teacher or librarian in any school supported wholly or partly by the state, or any assessor, county treasurer, treasurer in county school depository or treasurer of any school district depository, shall be withheld by the officials or authorities paying the said



salary, on notification by the commissioner of education that the county judge, acting as ex-officio county superintendent of public schools, or the county, district, city, or town superintendent or principal, teacher, librarian, assessor, county treasurer, treasurer of county school depository or treasurer of school district depository has refused or failed to make the reports required of him; provided, that this notification shall not be sent by the commissioner of education until at least two written requests have been made for the desired information and until 30 days have elapsed from the time of the first request without the receipt of the information required; in such case the aforesaid monthly salary shall be withheld until a notice is received from the commissioner of education, certifying that the information requested has been furnished by the delinquent person.

**§ 21.255. Financial Reports to Commissioners or Department of Education; Forms**

(a) All financial reports made by or for school districts, either independent or common, or by their officers, agents or employees, to the commissioner or to the Department of Education, shall be made on forms prescribed or approved by the state auditor.

(b) It shall be the duty of the state auditor to combine as many forms as possible to the end that multiplicity of reports is avoided. Such forms shall call for all information required by law or the commissioner, as well as such information as is deemed necessary by the state auditor.

(c) The provisions of this section shall take precedence over any other law of this state in conflict herewith.

**SUBCHAPTER I. DISCIPLINE, LAW AND ORDER**

**§ 21.301. Suspension of Incurrigible Pupil**

The board of trustees of any school district may suspend from the privileges of the schools any pupil found guilty of incurrigible conduct, but such suspension shall not extend beyond the current term of the school.

**§ 21.302. Proceedings in Juvenile Court**

The school attendance officer shall proceed in juvenile court against any child within the compulsory school attendance age who is reported to him as being insubordinate, disorderly, vicious, or immoral in conduct, or who persistently violates the reasonable rules and regulations of the school which he attends, or who otherwise persistently misbehaves in such a manner as to render himself an incurrigible.

**§ 21.303. Parole**

(a)<sup>1</sup> The judge of the juvenile court shall have the power to parole any child found by him to be guilty of the charges brought by the school attendance officer and to require the parent or the person standing in parently<sup>2</sup> relation to the child to execute a bond in a sum not less than \$10, conditioned that the child shall attend school regularly and comply with all the rules and regulations of the school.

1. There is no paragraph lettered (b) in the enrolled bill.

2. So in enrolled bill.

**§ 21.304 Violation of Parole**

(a) The principal or superintendent shall report to the school attendance officer any child who violates the conditions of his parole.

(b) The school attendance officer shall proceed in juvenile court against any child reported to him as having violated the conditions of his parole.

(c) The judge of the juvenile court shall give the child a fair and impartial hearing and, if he is found guilty of violating the conditions of the parole, shall declare the bond to be forfeited and order the proceeds paid into the available school fund of the district.

(d) On finding a child guilty of violation of a first parole, the judge may again parole the child, requiring such bond as he may deem prudent and requiring the child again to enter school. On finding a child guilty of violation of a second parole, the judge shall commit the child to a suitable training school as determined by the judge of the juvenile court and the parent of the child convicted.

**§ 21.305. Maintenance of Law and Order**

(a) In order to maintain law, peace, and order in the operation of the public schools, the board of trustees of any school district may, when in the opinion of the governing board such action is necessary, exercise the powers described in this section.

(b) To prevent violence and to maintain peace and order, the board may call upon the governor for assistance through the Department of Public Safety, but neither the Texas National Guard nor other military force shall be used for the direction or control of the operation of or attendance at such schools.

(c) The board may close the school or schools and suspend operation for such period as the board finds it necessary to maintain order and public peace if:

(1) the governor by written proclamation finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school;

(2) the board of trustees finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school; or

(3) the National Guard or any other military troops or personnel are employed or used upon order of any federal authority on public school property or in the vicinity of any public school for direction or control of the order, operation, or attendance at such school.

(d) The board, upon finding that violence or the danger thereof cannot be prevented except by resort to military force or occupation of the public schools, may certify such fact to the governor, in which event it shall be the duty of the governor to close the school and suspend its operation until such time as the school board shall certify to the governor that such closure is no longer necessary in the maintenance of order and public peace. Upon certification that closure is no longer necessary, the governor must cancel and annul the closure and issue a proclamation to that effect.

**§ 21.306. Effect of Closing Schools**

(a) If a school is closed under authority of Section 21.305 of this code, the provisions of this section are applicable.

(b) School officials, teachers, and other employees shall continue to receive the salaries provided by the terms of their<sup>1</sup> employment, but such persons may be assigned to other duties as may be determined by the board having jurisdiction over the school.

(c) Neither state aid as provided by law nor school accreditation shall be affected.

(d) The board may authorize and provide for the transfer of pupils to another school in the district upon petition of the parents or persons standing in loco parentis.

(e) Compulsory attendance laws shall not be applicable to pupils whose schools are closed.

(f) The local board, in cooperation with the State Board of Education, shall use all personnel, funds, and facilities necessary and available to provide out-of-classroom instruction for the pupils concerned and to facilitate the reopening of the school at the earliest possible time that peace and order can be maintained without the use or occupation of military forces.

1. So in enrolled bill.

#### § 21.307. Assistance of Attorney General

In order to help prevent situations which might result in the occupation of public schools by military forces or the closure thereof, the Attorney General of Texas is authorized to assist any public school board which requests his assistance in the defense of any law suit in a federal court which seeks to challenge the constitutionality of a statute of this State. This section shall not apply, however, in the event of a controversy between a public school board and an agency of the state which, under existing law, the Attorney General is authorized or required to represent.

### SUBCHAPTER J. SCHOOL-COUNTY LIBRARY FACILITIES

#### § 21.351. Contract With County

In compliance with the terms of this subchapter, any school district having boundaries embracing the entire area of a county having a valuation in excess of \$30 million may enter into contracts with the county and with its board of library trustees to provide joint library facilities.

#### § 21.352. Procedure to Execute Contract

(a) The procedure by which such contracts may be authorized shall be as prescribed by this section.

(b) The commissioners court of the county shall appoint a board of library trustees consisting of five members who are residents of the county.

(c) The board of library trustees shall organize by appointing a chairman, a secretary, and a treasurer.

(d) The board of library trustees shall call a public meeting for the purpose of presenting to the trustees of the school district and the members of the commissioners court a petition setting forth the need for additional library facilities and the agreement of the board of library trustees to assume the financial obligation of providing and maintaining an adequate public library building upon or adjacent to the school campus or grounds, the building to be used as a county free library and as a school library for the benefit of both the school students and the general public.

(e) The school trustees and the members of the commissioners court, at a joint meeting called for that purpose, shall consider the petition and agreement. If the plan of financing is found to be practicable and feasible and is approved by a majority both of the school trustees and of the commissioners court, a contract in compliance with Section 21.353 of this code may be executed.

**§ 21.353. Contract Provisions**

(a) Contracts authorized by this Article shall contain the provisions described in this Section in consideration for the agreement of the board of library trustees:

(b) The commissioners court must agree on its part to deliver over to the board of library trustees in trust and keeping the county-owned free library or libraries.

(c) The board of trustees of the school district must agree on its part to convey, with or without added consideration (and is hereby authorized to convey without the necessity of securing the consent of the Texas Education Agency or any officer thereof), the fee simple title to any individual lot or tract of land of any area not greater than two city lots, if any such area is owned by the school district on or adjacent to its campus and is not required under then existing school plans. The conveyance may be conditioned only by reserving to the school district the right to repurchase the tract, in the event of its abandonment for library purposes, at a price not to exceed any outstanding indebtedness against any building constructed thereon by the board of library trustees.

**§ 21.354. Construction of Library**

(a) The public library building, authorized by the above-described contract, shall be constructed according to the provisions of this Section.

(b) After the execution of the joint contracts and the receipt of conveyance of the tract of land, the board of library trustees, by a majority vote at a meeting called for that purpose, may employ an architect to prepare plans for the construction of a combined library building and assembly hall.

(c) After the approval of the plans by both the board of trustees of the school district and the commissioners court, the board of library trustees may enter into all necessary contracts for the construction of the building and the equipment thereof. The board of library trustees is authorized to mortgage or encumber the building to secure the financing thereof, but the indebtedness so created must be repaid out of revenue funds produced from the rental of the assembly hall or from private contributions and shall never become a debt against the county of the school district. No taxes shall be levied therefor.

**§ 21.355. Management of Library**

(a) The management and control of the public library building shall be under the supervision and control of the board of library trustees so long as a public free library is maintained therein, subject to the provisions of law as to county free libraries and to the provisions of this Section.

(b) A separate room or rooms shall be provided for the county free library.

(c) The assembly hall and other parts of the building shall be set aside for the use of educational and civic organizations of the county. Educational and civic organizations shall have the right of use of the assembly hall, subject to the rules made by the board of library trustees and the

necessary charges for use and maintenance. County civic organizations may use the assembly hall as a public assembly hall in keeping with the rules adopted by the board of library trustees.

## SUBCHAPTER K. CONSOLIDATED ELECTIONS

### § 21.401. Consolidated Elections

The various officers, boards, or bodies charged with the duty of appointing election officers, providing supplies, canvassing returns, and paying the expenses of school board elections may agree to hold joint and consolidated elections and may agree upon the method of allocating the expenses of the elections whenever an election for members of the board of county school trustees, board of education, board of trustees, or other governing board of any school district, or the board of regents, board<sup>1</sup> of trustees, or other governing board of any junior college district, regional college district, or other type of public college district is to be held on the same day and within all or part of the same territory as any other election or elections herein enumerated.

1. So in enrolled bill.

### § 21.402. Agreement

Resolutions reciting the terms of the agreement shall be adopted by each of the participating boards or bodies. The agreement may provide for a single ballot form at each polling place to contain all the officers to be voted on at the place, or may provide for separate ballot forms which may combine two or more of the sets of county or district offices to be voted on, but all of the offices and candidates for any one district or political subdivision must appear on the same ballot.

### § 21.403. Election Officers

One set of election officers may be appointed to conduct the joint election, and any person otherwise qualified who is a resident of any participating district or political subdivision shall be eligible to serve.

### § 21.404. Poll Lists, Ballot Boxes, Etc.

(a) Poll lists, tally sheets, and return forms for the various elections may be combined in any manner convenient and adequate to record and report the results of each election.

(b) One set of ballot boxes and one stub box may be used for receiving all ballots and ballot stubs at any one polling place.

### § 21.405. Returns; Canvass

(a) Returns on joint or separate forms may be made to any<sup>1</sup> the canvass made by each officer, board, or body designated by law to receive and canvass the returns of each election; or one of such officers, boards, or bodies may be designated to receive and canvass the returns for the joint election and to report the results of each election to the proper authorities.

(b) Where the counted ballots for two or more elections are deposited in a single ballot box, the box containing the counted ballots shall be returned to the officer or board designated in the agreement, which shall be an officer or board designated by law to receive and preserve the counted ballots for one of the elections constituting a part of the joint<sup>1</sup> election.

1. So in enrolled bill.

**SUBCHAPTER Z. MISCELLANEOUS PROVISIONS**

**§ 21.901. Contracts—Competitive Bidding**

(a) All contracts proposed to be made by any Texas public school board for the purchase of any personal property shall be submitted to competitive bidding when said property is valued at \$1,000 or more.

(b) All contracts proposed to be made by any Texas public school board for the construction, maintenance, repair or renovation of any building or for materials used in said construction, maintenance, repair or renovation, shall be submitted to competitive bidding when said contracts involve \$1,000 or more.

(c) Nothing in this section shall apply to fees received for professional services rendered, including but not limited to architects fees, attorney's fees, and fees for fiscal agents.

(d) Notice of the time when and place where such contracts will be let and bids opened shall be published in the county where the purchasing school is located, once a week for at least two weeks prior to the time set for letting said contract and in two other newspapers that the school board may designate. Provided, however, that on contracts involving less than \$25,000, such advertising may be limited to two successive issues of any newspaper published in the county in which the school is located, and if there is no newspaper in the county in which the school is located, then said advertising shall be for publication in some newspaper in some county nearest the county seat of the county in which the school is located.

**§ 21.902. Late Afternoon and Evening Sessions**

The board of trustees of any district having 10,000 or more scholastics may provide late afternoon and evening sessions and determine which pupils shall be admitted or assigned to such school programs. The attendance of eligible pupils as defined from time to time by the policies of the State Board of Education shall be applicable to those pupils attending late afternoon and evening sessions.

**§ 21.903. Donations to the Public Schools**

(a) All conveyances, devises, and bequests of property for the benefit of the public schools made by anyone for any county, city, town, or district shall, when not otherwise directed by the grantor or devisor, vest the property in the county school trustees, the board of trustees of the city, town, or district, or their successors in office as trustees for those to be benefited thereby.

(b) The funds or other property donated or the income therefrom may be expended by the trustees:

(1) for any purpose designated by the donor so long as that purpose is in keeping with the lawful purposes of the schools for the benefit of which the donation was made; or

(2) for any purpose authorized by the commissioner of education in the event that no specific purpose is designated by the donor.

**§ 21.904. Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs**

(a) No school district, board of education, superintendent, assistant superintendent, principal, or other administrator benefiting by the funds

provided for in this code shall directly or indirectly require or coerce any teacher to join any group, club, committee, organization, or association.

(b) It shall be the responsibility of the State Board of Education to enforce the provisions of this section.

(c) It shall be the responsibility of the State Board of Education to notify every superintendent of schools in every school district of the state of the provisions of this section.

(d) No school district, board of education, superintendent, assistant superintendent, principal, or other administrator shall directly or indirectly coerce any teacher to refrain from participating in political affairs in his community, state or nation.

#### **§ 21.905. Employment Consultation With Teachers**

The board of trustees of each independent school district, rural high school district, and common school district, and their administrative personnel, may consult with teachers with respect to matters of educational policy and conditions of employment; and such boards of trustees may adopt and make reasonable rules, regulations and agreements to provide for such consultation. This section shall not limit or affect the power of said trustees to manage and govern said schools.

#### **§ 21.906. Insurance for School Athletes**

(a) In compliance with the terms of this section, the board of trustees of any school district in this state is authorized, but not required, to secure for the protection of students who participate in interschool athletic competition, insurance against bodily injuries sustained by such students while training for or engaging in such competition.

(b) The amount of insurance to be obtained shall be in keeping with the financial condition of the school district and shall not exceed the amount which, in the opinion of the board of trustees, is reasonably necessary to afford adequate medical treatment of students so injured.

(c) The insurance herein authorized shall in all cases be obtained from some reliable insurance company authorized to do business in Texas and shall be on forms approved by the State Board of Insurance.

(d) The cost of such insurance shall constitute a legitimate part of the total cost of the athletic program of the school district, but premium payments shall be paid only from receipts accruing to the school from admission charges to school athletic contests or other receipts from such contests and from no other fund.

(e) The failure of any board of trustees to carry the insurance herein authorized shall not be construed as placing any legal liability upon the school district or its officers, agents, or employees, for any injury which may result.

#### **§ 21.907. Deaf and Deaf-Mute Students**

A teacher may use the oral, manual, Rochester (combination method), and the language of signs methods of instruction in teaching deaf and deaf-mute students in any school of this state, subject to the recommendation of his supervising teacher.

#### **§ 21.908. Court-Related Children—Liaison Officers**

Each school district shall appoint at least one counsellor or teacher to act as liaison officer for court-related children who are scholastics of the

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district. The liaison officer shall provide counselling and services for each court-related child and his parents with the objective of establishing or reestablishing normal attendance and progress of the child in the school.

**§ 21.909. Protective Eye Devices in Public Schools**

(a) Industrial quality eye-protective devices shall be worn by every teacher and pupil in Texas participating in any of the following courses:

(1) vocational or industrial arts shops or laboratories involving experience with:

- (A) hot molten metals;
- (B) milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- (C) heat treatment, tempering, or kiln firing of any metal or other materials;
- (D) gas or electric arc welding; or
- (E) caustic or explosive materials; or

(2) chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) In this section, "industrial quality eye-protective devices" means devices meeting the standards set by the State Department of Health.

(c) The governing boards and administrators of Texas school districts offering any of the listed courses are responsible for furnishing free of charge or providing at cost to teachers and pupils participating in the courses the required eye-protective devices.

(d) Whenever an accident occurs during the conduct of any of the courses described in Subsection (a) of this section, and an injury to the eye of a teacher or pupil results, the principal shall make a full written report of the accident and injury to the State Department of Education. The department shall prescribe the form and content of the reports and shall maintain a file of all reports submitted.

**CHAPTER 22. COMMON SCHOOL DISTRICTS**

**Section**

- 22.01. Government.**
- 22.02. Election of Common and Common Consolidated School District Trustees.**
- 22.03. Terms of Common School District Trustees.**
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**Section 22.01. Government**

(a) A common school district is under the immediate control and management of a board of three trustees, who function under the provisions of this chapter but who are under the general supervision of a county governing board as provided in Chapter 17 of this code.<sup>1</sup>

(b) A common consolidated school district is under the immediate control and management of a board of seven trustees, who function under the provisions of this chapter but who are under the general supervision of a county governing board as provided in Chapter 17 of this code.

1. Section 17.01 et seq.

**§ 22.02. Election of Common and Common Consolidated School District Trustees**

(a) Trustees for common or common consolidated school districts are selected at an election called for that purpose and held on the first Saturday in April of each year, except in those counties with a population of 500,000 or more, according to the last preceding federal census, all elections of school district trustees shall be held on the first Saturday in April or on some other Saturday the school district trustees or board members may select by official resolution, as provided by this section.

(b) All elections of trustees, after the election at which the common or common consolidated school district is first organized, shall be called by the trustees of the district, who shall also:

(1) give notice of the time and place at which the election will be held by posting notices in at least three public places in the district at least 20 days prior to the date of holding the election; and

(2) appoint three qualified voters for each place of voting to hold the election and to make returns thereof, one to be designated presiding officer; and these persons shall receive as compensation for their services the sum of \$3 each, to be paid out of the local funds of the district where the election is held.

(c) Any person desiring to have his name placed on the ballot as a candidate for the office of trustee of a common or common consolidated school district shall, at least 30 days before the day of election, file a written request with the county judge of the county in which the district is located, requesting that his name be placed on the official ballot.

(d) Five or more qualified voters in the district may request that the county judge place any name or names on the ballot, provided such request is made within the time and manner specified in Subsection (c) of this section.

(e) At least 20 days before the election, the county judge shall have the ballots printed as follows:

(1) the ballots shall be of uniform style and dimension and shall be of the stub type provided for in the general election laws;

(2) the ballots shall be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon from being seen through the paper;

(3) at the top of the ballot there shall be printed "Official Ballot, \_\_\_\_\_ School District," the number or name of the district to be supplied by the county judge when he orders the ballots printed; and

(4) the name of each person qualifying as a candidate under either Subsection (c) or Subsection (d) of this section, and fulfilling the requirements of Section 22.05 of this code, shall be listed.

(f) At least one day before the election is to be held, the county judge shall deliver to the presiding officer of the election, by mail or other suitable method, a sufficient number of printed ballots, boxes, and other supplies necessary for the election, with these conditions:

(1) the ballots and tally sheets shall be delivered in sealed envelopes;

(2) the envelopes shall not be opened by the election officer until the day on which the election is to be held; and

(3) the officers holding the election shall be required to use the ballots furnished them by the county judge as provided in this chapter.

(g) The expenses of printing the ballots and delivering them to the presiding officer, together with the other expenses incidental to the election, shall be paid out of the available maintenance funds of the school district in which the election is held or to be held.

(h) All qualified voters of the common or common consolidated school district shall be eligible to vote.

(i) The polls shall be open from 8 a.m. until 7 p.m., except in counties of 100,000 or more population, according to the last preceding federal census, where the polls must be open from 7 a.m. to 7 p.m.

(j) The election officers shall make returns of the election to the county clerk within five days after such election, to be delivered by him to the commissioners court at its first meeting after the election, to be canvassed by the court, and the court or its clerk shall certify the result to the district trustees and issue to the person or persons elected their commissions as trustees.

(k) Ballot boxes which have been furnished by local officials shall be sent to the county judge; and the certified election returns and ballot boxes shall be safely preserved for a period of three months after the date of the election.

**§ 22.03. Terms of Common School District Trustees**

(a) At all elections following that at which the common school district is first organized, each common school district trustee shall be elected for a term of three years, except as otherwise provided by this section.

(b) At the first election following the creation of a common school district, the qualified voters shall elect three trustees, who shall determine their terms by lot with the trustees drawing numbers. The trustee drawing number one shall serve for a term of one year, the trustee drawing number two shall serve for a term of two years, and the trustee drawing number three shall serve for a term of three years.

(c) At each annual election following the first, one trustee shall be elected who shall serve for three years or until his successor is elected and has qualified.

(d) The term of each trustee shall begin on May 1 following his election.

(e) Any vacancy shall be filled by the county school trustees or county board of education for the remainder of the unexpired term in which the vacancy occurs.

**§ 22.04. Terms of Common Consolidated School District Trustees**

(a) At all elections following that at which a common consolidated school district is first organized, each common consolidated school district trustee shall be elected for a term of three years.

(b) At the first election following the creation of the common consolidated school district, the qualified voters shall elect seven trustees, who shall determine their terms by lot. The three members drawing numbers one, two, and three shall serve for terms of one year; the two members drawing numbers four and five shall serve for terms of two years; and the two members drawing numbers six and seven shall serve for terms of three years.

(c) At each annual election following the first, three or two trustees shall be elected for a term of three years to succeed the trustees whose terms expire.

(d) The members of the board remaining after a vacancy shall fill the same for the unexpired term.

**§ 22.05. Qualifications of Common and Common Consolidated School District Trustees**

(a)<sup>1</sup> Each person elected to serve as a common school district trustee must

(1) be able to read and write the English language; and

(2) have been a resident of the common school district for at least six months prior to his election or appointment and a qualified property taxpaying elector in the district.

1. There is no paragraph lettered (b) in the enrolled bill.

**§ 22.06. Removal for Lack of Qualifications**

(a) If any person elected or appointed to serve as trustee of a common or common consolidated school district does not in the opinion of the county superintendent possess the qualifications prescribed by law, the county superintendent shall refuse to recognize the person and shall make a written request, within 20 days after such election, to the county attorney or district attorney, if there be no county attorney, to institute and prosecute suit in the name of the state for the removal of the trustee.

(b) On good cause shown, within the discretion of the court where such suit is pending, it shall be lawful to enjoin and restrain such person from acting as trustee during the pendency of the suit.

(c) It shall be lawful to summon the elected trustee before the court in the trial of the cause and there to examine him as to his qualifications to serve as trustee.

(d) The hearing shall be conducted under rules applicable to the trial of civil actions generally and, if the elected trustee is found to be disqualified, the court shall declare the office vacant.

(e) Whenever a person is enjoined from acting as trustee, pending trial by the court, the county school trustees or county board of education for the common school district or the board of trustees for the common consolidated school district shall appoint a suitable person to act as trustee during the enjoinder, and if the trustee enjoined is, by judgment of the court, removed from office, then trustee appointed shall continue to serve for the unexpired term.

(f) Whenever a trustee is removed from office by judgment of the court without an injunction previously having been issued, the county school trustees or county board of education for the common school district or the board of trustees for the common consolidated school district shall appoint a suitable person to fill the vacancy for the unexpired term.

**§ 22.07. Organization of Common School District Trustees**

(a) Each trustee must take the official oath and, as soon as practicable, file the oath with the county superintendent or, if the county judge is acting as ex officio county superintendent, with the county judge.

(b) Immediately after each election the trustees shall organize by electing one of their number as president and one as secretary and shall file a report of their organization with the county superintendent.

(c) The trustees shall be a body politic and corporate in law and shall be known by and under the title and name of district trustees of district number \_\_\_\_\_, and county of \_\_\_\_\_, State of Texas. All reports and other official papers shall be headed with the name and number of the district and the name of the county.

**§ 22.08. Powers and Duties of Common and Common Consolidated School District Trustees**

(a) Under such powers as are granted under the provisions of this code and/or necessarily implied therefrom, the trustees of a common or common consolidated school district shall have the power to contract and be contracted with for the general good of the school district.

(b) The trustees of a common or common consolidated school district may sue and be sued, plead or be impleaded, in any court of Texas of proper jurisdiction.

(c) The trustees of a common or common consolidated school district may receive any gift, grant, donation, or devise made for the use of the public schools of the district.

(d) The trustees of a common or common consolidated school district shall have the management and control of the public schools, the public school grounds and all other property belonging to the district whether acquired by purchase or lease. They shall determine how many schools shall be maintained in the district and at what points the schools shall be located. They shall determine when the schools shall be open and when closed.

(e) The trustees of a common or common consolidated school district shall have the power to employ teachers and other school officials and to contract with them as provided in Section 22.09 of this code, but in making contracts with teachers or other employees or in contracting for services or supplies, the trustees shall not create a deficiency debt against the district.

(f) The trustees of a common or common consolidated school district may dismiss teachers or other employees, but a teacher or other official dismissed shall have the right of appeal to the county superintendent and to the commissioner of education.

(g) The trustees of a common or common consolidated school district shall approve all claims against the school funds of the district and shall manage and supervise the schools in accordance with the rules and regulations of the county superintendent and the officials of the Central Education Agency.

(h) The amount contracted by trustees to be paid a teacher or other employee shall be paid on a check drawn on the county depository for the district, signed or drawn upon order authorized by a majority of the trustees of the district and approved by the county superintendent.

(i) The trustees of a common or common consolidated school district shall supply all information required of them by the county superintendent or the Central Education Agency for the proper operation of the foun-

dation school program within the district or for carrying out the objectives of the Central Education Agency.

**§ 22.09. Contracts With Teachers and Other School Officials**

(a) The board of trustees of a common or common consolidated school district shall at all times have the right to enter into written contracts employing a superintendent, principals, teachers, and other executive officers for a term not to exceed three years, provided that:

(1) all contracts for 12 months or more shall begin on July 1 and end on June 30 of the year terminating the contract;

(2) all contracts for 12 months or more shall be approved by the county superintendent of the county having jurisdiction over the district; and

(3) no new contract may be signed by the trustees until the newly elected trustee has qualified and taken the oath of office.

(b) Employment contracts for a term of less than one year need not be approved by the county superintendent and may be entered into at any time and for whatever period the trustees determine.

(c) This section is applicable to any common or common consolidated school district which has not adopted the provisions of the continuing contract law as set out in Chapter 21 of this code.<sup>1</sup>

1. Section 21.001 et seq.

**§ 22.10. Acquisition and Sale of School Property**

(a) The trustees of a common school district may contract for the erection of school buildings, provided that:

(1) no mechanic, contractor, material man, or other person can contract for, or in any other manner acquire, any lien upon a school building or the land upon which it is situated, and all contracts for the erection of school buildings shall expressly stipulate a waiver of such lien;

(2) the district trustees shall superintend the construction and approve all accounts submitted in connection therewith;

(3) payment shall be made by the county superintendent, who shall draw his warrant on the school fund appropriated therefor on the account approved by the district trustees; and

(4) any bonds issued shall be in compliance with the terms of Chapter 20 of this code<sup>1</sup> and such bonds shall be handled in compliance with Chapter 20 of this code.

(b) The trustees of a common or common consolidated school district may sell any property belonging to the school district, provided that:

(1) the terms of the sale must be prescribed and approved by order of the county school trustees or county board of education having jurisdiction over the common school district; and

(2) the proceeds of the sale must be used to purchase necessary grounds or to build or repair school buildings or be placed to the credit of the local maintenance school fund of the district.

1. Section 20.01 et seq.

**§ 22.11. Taxation**

(a) The county commissioners court of each county shall have the power to levy and cause to be collected taxes and to issue bonds for the com-

## § 22.11

mon or common consolidated school districts of the county in compliance with the provisions in Chapter 20 of this code.<sup>1</sup>

(b) All property assessed for school purposes in a common or common consolidated school district shall be assessed at the same value as that property is assessed for state and county purposes.

(c) The commissioners court, at the time of levying taxes for county purposes, shall also levy upon all taxable property within any common or common consolidated school district any school tax voted by the district in compliance with Chapter 20 of this code, and if

(1) a specific rate has been voted, the commissioners court shall levy the tax at the rate provided in the election; and

(2) no specific rate has been voted, the commissioners court shall levy the tax at such a rate within the limit voted as determined by the board of trustees of the district and the county superintendent and certified to the commissioners court by the county superintendent.

(d) If the tax has been voted after the levy of county taxes, the tax may be levied at any meeting of the commissioners court prior to the delivery of the assessment rolls by the assessor.

(e) The tax assessor shall assess the school tax as other taxes are assessed and make an abstract showing the amount of special taxes assessed against each school district in his county and furnish the same to the county superintendent on or before September 1 of the year for which such taxes are assessed.

(f) The taxes levied upon the real property in common or common consolidated school districts shall be a lien thereon and the same shall be sold for unpaid taxes in the manner and at the time of sales for state and county taxes.

(g) The county tax collector shall collect taxes levied upon the property of a common or common consolidated school district as other taxes in the district are collected, and shall pay all such taxes to the county treasurer. The tax assessor shall receive a commission of one percent for assessing the taxes, and the tax collector, a commission of one percent for collecting the taxes.

(h) The county treasurer shall credit each common or common consolidated school district with the amount of tax funds received belonging to the district and shall pay out such funds in accordance with law.

1. Section 20.01 et seq.

**§ 22.12. Common or Common Consolidated County-Line School Districts**

(a) Common or common consolidated county-line school districts shall have all the rights, powers, and privileges of other common or common consolidated school districts as provided in this code.

(b) A common or common consolidated county-line school district shall be managed and controlled by the county named in the order creating the district, and the operation of the schools shall be under the administrative jurisdiction of the county governing board of the county named in the order creating the district.

(c) A petition requesting a tax or bond election or both meeting the provisions of Chapter 20 of this code<sup>1</sup> applicable to common school districts shall be presented to the county judge of the county having jurisdiction of the district. If it has been determined by a majority vote that

such county-line district shall levy such tax or issue such bonds, the commissioners court of the county having jurisdiction of the district shall pass an order levying such tax within the rate authorized or issue such bonds, or both, as the case may be, against the territory within the county, and a like order levying such tax, or issuing bonds and levying a tax for interest and retirement thereof, or both, shall be passed by the commissioners court of each other county having territory within the district, subject to the provisions of this section.

(d) The rate of tax, if not determined at the election, shall be set annually by the commissioners court of the county having jurisdiction within the lawful limit that has been determined by the board of trustees of the district and the county superintendent of the county having jurisdiction and certified to the court by the county superintendent until such tax is diminished or abrogated as provided by law, of such bond obligations, if any, have been fully paid.

(e) Each county shall continue annually to levy the tax or taxes at the rate determined as specified above.

(f) The assessor-collector of each county shall assess the taxes levied by the commissioners court of his county against the territory of the county-line district in his county.

(g) The assessor-collector of each county having territory within the county-line school district shall maintain a separate roll covering any special tax or taxes on the territory in his county included in the county-line school district.

(h) The assessor-collector of each county shall collect the taxes for the county-line district in his county, and all taxes collected for the benefit of the county-line district and recorded in a separate account shall be deposited by the county with the treasurer or depository designated for the county-line district.

1. Section 20.01 et seq.

**CHAPTER 23. INDEPENDENT SCHOOL DISTRICTS****SUBCHAPTER A. BOARD OF TRUSTEES****Section**

- 23.01. Districts With 150 or More Scholastics.
- 23.02. Districts With Fewer than 150 Scholastics.
- 23.03. Application to Get on Ballot.
- 23.04. Ballots: Deadline for Printing.
- 23.05. Ballots: Districts With Fewer Than 500 Scholastics.
- 23.06. Ballots: District With 500 or More Scholastics.
- 23.07. Order; Election Officers.
- 23.08. Election.
- 23.09. Determination of Results.
- 23.10. Returns; Canvass.
- 23.11. Election by Position.
- 23.12. Districts Converted From Common School.
- 23.13. Term of Office—General Rule—Three Years.
- 23.14. Six-Year Terms.
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- 23.16. County-Wide Districts: Two Year Terms.
- 23.17. Length of Term May be Continued.
- 23.18. Vacancies.
- 23.19. Qualification and Organization of Trustees.

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**SUBCHAPTER B. POWERS AND DUTIES OF TRUSTEES**

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- 23.27. Taxes; Bonds.
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**SUBCHAPTER D. TREASURER OF DEPOSITORY**

**Section**

- 23.61. Treasurer of Depository.
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**SUBCHAPTER E. SCHOOL DEPOSITORY ACT**

- 23.71. Short Title.
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- 23.81. Depository as Treasurer.
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[Sections 23.83–23.90 reserved for expansion]

**SUBCHAPTER F. ASSESSMENT AND COLLECTION  
OF TAXES**

- 23.91. Assessor and Collector: Power and Duties.
- 23.92. Alternate Methods of Selection.
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- 23.96. Assessment, Collection, and Equalization by City.
- 23.97. Cooperation Between Districts.
- 23.98. Enforced Collection.

**SUBCHAPTER A. BOARD OF TRUSTEES**

**Section 23.01. Districts With 150 or More Scholastics**

The public schools of an independent school district having 150 or more scholastics according to the latest approved scholastic census shall be under the control and management of a board of seven trustees.

**§ 23.02. Districts With Fewer Than 150 Scholastics**

(a) An independent school district having fewer than 150 scholastics according to the latest approved scholastic census shall have a board of seven trustees as provided in this chapter but shall, unless the trustees determine otherwise as specified below, be governed in the general ad-

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ministration of its schools by the laws which apply to common school districts as provided in Chapter 22 of this code.<sup>1</sup>

(b) The trustees of an independent school district having fewer than 150 scholastics as shown by last approved census may choose, by majority vote shown on the minutes of the board, not to be governed in the general administration of its schools by the laws which apply to common school districts and be governed instead by the laws which apply to other independent school districts.

(c) By filing, on or before September 1 of each year, certified copies of the minutes adopting such a policy in both the office of the county clerk and the office of the Central Education Agency, an independent school district having fewer than 150 scholastics may be governed as other independent school districts.

1. Section 22.01 et seq.

**§ 23.03. Application to Get on Ballot**

(a) Applications of candidates for a place on the ballot shall be filed not less than 30 days prior to the day of the election, and no candidate shall have his name printed on said ballot unless there has been compliance with the provisions of this section.

(b) Candidates for office of trustee of an independent school district having fewer than 500 scholastics as shown by the last scholastic census approved by the Central Education Agency must file their applications with the county judge of the county in which the district is located, but any five or more resident qualified voters of the district may request of the county judge that any name or names be listed on the official ballot as candidates.

(c) Candidates for office of trustee of an independent school district having 500 or more scholastics must file their applications with the secretary of the school board of trustees.

(d) In those districts in which the positions on the board of trustees are authorized to be designated by number, as provided in Section 23.11 of this code, each applicant shall also state the number of the position for which he is filing as candidate. No candidate shall be eligible to have his name placed on the official ballot under more than one position to be filled at such election.

(e) In those districts in which the positions on the board of trustees are not authorized to be designated by number, it shall not be necessary for an applicant to state which other candidate, if any, he is opposing.

**§ 23.04. Ballots: Deadline for Printing**

Ballots for use in the election of trustees of an independent school district shall be printed not less than 20 days prior to the day of the election.

**§ 23.05. Ballots: Districts With Fewer Than 500 Scholastics**

(a) Ballots for the election of school trustees for independent school districts having fewer than 500 scholastics as shown by the last approved scholastic census shall be ordered by the county judge and must fulfill the requirements of this section.

(b) The ballots must be of uniform style and dimension and must be of the stub type provided for in the general election laws.

(c) The ballots must be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon from being seen through the paper.

(d) At the top of the ballot there shall be printed "Official Ballot, \_\_\_\_\_ School District," the name of the district to be filled in by the county judge when he orders the ballots printed.

(e) The names of all eligible candidates whose applications have been duly filed shall be placed thereon.

(f) The printed ballots, boxes, tally sheets, and other supplies necessary for the holding of the election shall be delivered by the county judge, in sealed envelopes, to the presiding officer of the election at least one day before the election is to be held but shall not be opened until the day of the election.

(g) The expenses of printing the ballots and delivering same to the presiding officer, together with the other expenses incidental to the election shall be paid out of the available maintenance funds belonging to the school district in which said election is held.

(h) The officers of the election must use the ballots furnished by the county judge as herein provided.

#### § 23.06. Ballots: Districts With 500 or More Scholastics

(a) Ballots for the election of school trustees for independent school districts having 500 or more scholastics as shown by the last approved census shall be prepared as ordered by the trustees of the district and must fulfill the requirements of this section.

(b) The ballots must be of uniform style and dimension and must be of the stub type provided for in the general election laws.

(c) The ballots must be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon from being seen through the paper.

(d) The ballots shall have printed at the top, "Official Ballot, \_\_\_\_\_ Independent School District," specifying the name of the school district.

(e) The names of all eligible persons who have properly qualified as candidates for school trustee of the district shall be included, and if the positions on the board are designated by number as provided in Section 23.11 of this code, the position for which each person is a candidate shall be clearly shown.

#### § 23.07. Order; Election Officers

(a) The board of trustees of each independent school district shall order all regular elections for trustees and give notice thereof. The order and notice shall be made at least 20 days before the date of election. A notice of the order shall be posted at three public places in the district and shall designate the places where the polls shall be open.

(b) The board of trustees shall appoint to hold the election three or more persons who shall possess the qualifications and receive the compensation provided for election officers under the general election laws.

#### § 23.08. Election

(a) Elections for trustees of independent school districts shall be held on the first Saturday in April, except that in counties having a population of 500,000 or more the trustees may by official resolution select any other Saturday.

(b) Elections shall be held either annually or biennially, depending upon the term for which the trustees are to be elected as provided in this subchapter.

(c) Voting machines may be used.

(d) All qualified voters of the district shall be entitled to vote.

(e) The elections shall be governed by the general election laws except where in conflict with this subchapter.

**§ 23.09. Determination of Results**

(a) In those districts where the positions of trustees are authorized to be designated by number, as provided in Section 23.11 of this code, the candidate receiving the highest number of votes for each respective position voted on shall be entitled to serve as trustee.

(b) In those districts where the positions of trustees are not authorized to be designated by number, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring.

**§ 23.10. Returns; Canvass**

(a) In those school districts having fewer than 500 scholastics, according to the latest approved scholastic census, the election officers shall make returns of the election to the county clerk within five days after such election, to be delivered by him to the commissioners court at its first meeting thereafter to be canvassed by such court. The court or its clerk shall certify the result to the district trustees and issue to the person or persons elected their commissions as trustees.

(b) In those districts having 500 or more scholastics, according to the latest approved scholastic census, the election returns certified to by the election officers shall be made to the board of school trustees which shall canvass the returns, declare the results of the election, and issue certificates of election to the persons shown to be elected.

**§ 23.11. Election by Position**

(a) The designation of the positions of trustees by number is or may be required only as specified in this section.

(b) The positions on the board of trustees shall be designated by number in any independent school district wherein the procedure of designating and electing the trustees by number has been authorized and instituted whether under general or special law and whether by resolution of the trustees or by operation of law.

(c) The positions on the board of trustees shall be designated by number in any independent school district in which the scholastic population is 500 or more according to the latest approved scholastic census and in which the board of trustees, by appropriate action as specified below, orders that all candidates for trustee be voted upon and elected separately for positions on the board of trustees and that all candidates be designated on the official ballot according to the number of the positions for which they seek election.

(d) The order of resolution of the board of trustees must be made at least 60 days prior to any trustee election to be controlled by this section.

(e) The board shall also, at least 60 days prior to the election, number the positions on the board in the order in which the terms of office of the trustees expire.

(f) Once the board of trustees of an independent school district has adopted the provisions of this section, neither the board of trustees nor their successors may rescind the action.

(g) In any such independent school district in which procedure of designating and electing trustees by numbered positions has been or may hereafter be instituted, any candidate offering himself for a position as trustee in any election shall indicate in a written notice timely filed the number of the position for which he desires to run, and his application for a place on the ballot shall disclose the position number for which he is a candidate or the name of the incumbent member holding the position for which he desires to run. The names of the candidates for each position shall be arranged by lot by the board of trustees of the district.

#### § 23.12. Districts Converted From Common School Districts

(a) This section shall apply to any independent school district incorporated under the provisions of Subchapter G, Chapter 19 of this code, having a board of seven trustees whereunder in alternate years four trustees are elected for two-year terms and three trustees are elected for two-year terms.

(b) Immediately after any next regular election of a board of trustees in any independent school district to which this section applies, members of such board of school trustees may draw lots. Those members drawing numbers 1, 2, and 3 shall serve for a term of one year and until their respective successors are duly elected and qualified. Those members drawing numbers 4 and 5 shall serve for a term of two years and until their respective successors are duly elected and qualified. Those drawing numbers 6 and 7 shall serve for a term of three years and until their respective successors be duly elected and qualified.

(c) Those members of the board of trustees, in any district to which this section applies, who are elected at the expiration of each of the terms provided for in Subsection (b) of this section, shall serve for a term of three years and the term of office of members of such board of school trustees shall continue to be three years with two or three members thereof, as the case may be, being elected each year thereafter.

#### § 23.13. Term of Office—General Rule—Three Years

(a) Unless a different term is authorized by Section 23.14 or 23.15 of this code, the term of trustees of independent school districts, other than county-wide independent school districts, shall be three years in any district which does not include within its boundaries a city or town with a population in excess of 75,000 or in any district where a term of three years has been previously instituted under either general or special law of this state.

(b) The term of trustees may be three (3) years in any independent district, other than a county-wide district in which the trustees, by majority vote, adopt a three-year term and, at least 90 days prior to a regular election date, publish in a newspaper printed in the county in which the district is situated notice of the election and the terms for which the trustees are to be elected.

(c) Elections shall be held annually. At the first regular trustee election after the creation of the district or the adoption of the three-year term, as provided above, the seven trustees elected shall determine by lot the terms for which they are to serve, as follows: the three members

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drawing numbers 1, 2, and 3 shall serve for a term of one year; the two members drawing numbers 4 and 5 shall serve for a term of two years; and the two members drawing numbers 6 and 7 shall serve for a term of three years.

(d) Each year, following the first election, either three or two trustees shall be elected, the number depending upon that required to constitute a board of seven trustees.

(e) If the procedure of designating and electing trustees by numbered positions, as provided in Section 23.11 of this code, is applicable to the district, the trustees shall be elected in compliance with the terms of that section.

(f) The trustees of any independent school district which has previously instituted a term of three years may continue to be elected for a term of three years.

**§ 23.14. Six-Year Terms**

(a) Unless a different term is authorized by either Section 23.13 or 23.15 of this code, the term of trustees of independent school districts, other than county-wide independent school districts, shall be six years in those districts which include within their boundaries a city with a population of 75,000 or more and in those districts where a term of six years has been previously instituted under either general or special law of this state.

(b) The term of office may be six years in any district in which there are as many as 30,220 scholastics, according to the last scholastic census, and in which the trustees, by majority vote, adopt a six-year term.

(c) At the first regular trustee election after the creation of the district or the applicability or the adoption of the six-year term, the seven trustees elected shall determine by lot the terms for which they are to serve. The three members drawing numbers 1, 2, and 3 shall serve for a term of six years; the two members drawing numbers 4 and 5 shall serve for a term of four years; and the two members drawing numbers 6 and 7 shall serve for a term of two years.

(d) Elections shall be held biennially. At each election following the first, either two or three trustees shall be elected, the number depending upon that required to compose a board of seven trustees.

(e) If the procedure of designating and electing trustees by numbered positions, as provided in Section 23.11 of this code, is applicable to the district, the trustees shall be elected in compliance with the terms of that section.

**§ 23.15. Four-Year Terms**

The trustees of any independent school district which has previously, under either general or special law of this state, adopted or instituted a term of four years may continue to be elected for a term of four years. Elections shall be held biennially. Either three or four trustees shall be elected at each election, the number depending upon that required to compose a board of seven trustees.<sup>1</sup> The trustees shall be elected by position number as provided in Section 23.11 of this code.

1. So in enrolled bill.

**§ 23.16. County-Wide Districts: Two Year Terms**

The trustees of all county-wide independent school districts, previously established or hereafter created as provided in Subchapter C, Chapter 19 of this code,<sup>1</sup> shall serve for a regular term of two years. Each year ei-

ther three or four trustees shall be elected, the number depending upon that required to constitute a board of seven trustees as provided in Section 19.067 of this code.

1. Section 19.061 et seq.

#### § 23.17. Length of Term May be Continued

The trustees of any independent school district which has lawfully instituted a particular term of office may, by resolution, continue that term even though the size of the district changes so that the specified term is no longer applicable.

#### § 23.18. Vacancies

(a) If a vacancy occurs in the board of trustees, the remaining members of the board of trustees shall fill the vacancy until the next regular election for members of the board of trustees. If at the time of that election, there remains any portion of the term so filled, a person shall be elected to serve out the remainder of the unexpired term.

(b) The provisions of this section shall not apply to school districts where the school board is appointed by the city commission. A trustee appointed by city commission to fill a vacancy shall serve for the unexpired term of his or her predecessor.

#### § 23.19. Qualification and Organization of Trustees

(a) Each elected trustee shall qualify by taking the official oath of office.

(b) The trustees first elected or appointed after the creation or incorporation of the independent school district shall file their oaths with the county judge of the county in which the district or a major portion thereof is situated. After all subsequent elections the newly elected trustee shall file their oaths with the president of the board of trustees.

(c) No person shall be elected trustee of an independent school district unless he is a qualified voter.

(d) At the first meeting after each election and qualification of trustees, the members shall organize by selecting:

- (1) a president, who shall be a member of the board;
- (2) a secretary, who may or may not be a member of the board;
- (3) a treasurer, as provided in Section 23.61 of this code;
- (4) an assessor and collector of taxes, as provided in Subchapter F of this chapter;<sup>1</sup> and
- (5) such other officers and committees as the board may deem necessary.

(e) The trustees shall serve without compensation.

1. Section 23.91 et seq.

[Sections 23.20–23.24 reserved for expansion]

### SUBCHAPTER B. POWERS AND DUTIES OF TRUSTEES

#### § 23.25. Powers and Duties

The board of trustees of an independent school district shall have the powers and duties described in this subchapter, in addition to any other powers and duties granted or imposed by this code or by law.

**§ 23.26. In General**

(a) The trustees shall constitute a body corporate and in the name of the school district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

(b) The trustees shall have the exclusive power to manage and govern the public free schools of the district.

(c) All rights and titles to the school property of the district, whether real or personal, shall be vested in the trustees and their successors in office.

(d) The trustees may adopt such rules, regulations, and by-laws as they may deem proper.

**§ 23.27. Taxes; Bonds**

The trustees shall have the power to levy and collect taxes and to issue bonds in compliance with the applicable provisions in Chapter 20 of this code,<sup>1</sup> and if no specific rate of tax is adopted at an election authorizing a tax, shall determine the rate of tax to be levied within the limit voted and specified by law.

1. Section 20.01 et seq.

**§ 23.28. Contracts With Officers and Teachers**

(a) The board of trustees of any independent school district may employ by contract a superintendent, a principal or principals, teachers, or other executive officers for a term not to exceed the maximum specified in this section.

(b) In those independent school districts with a scholastic population of fewer than 5,000, the term of such contracts shall not exceed three years.

(c) In those independent school districts with a scholastic population of 5,000 or more, in the last preceding scholastic year, the term of such contracts shall not exceed five years.

(d) All 12 month contracts made with employees above-mentioned shall begin on July 1 of the year beginning the contract and end on June 30 of the year terminating the contract.

(e) This section does not apply to teacher's contracts in those independent school districts which have adopted the provisions of the probationary or continuing contract law as set out in Subchapter G, Chapter 21 of this code.<sup>1</sup>

1. Section 21.201 et seq.

**§ 23.29. Sale of Minerals**

(a) Minerals in land or any part thereof belonging to an independent school district may be sold to any person under the provisions of this section.

(b) The sale must be authorized by a resolution adopted by majority vote of the board of trustees of the independent school district; and the sale and the terms thereof must be approved by the commissioner of education.

(c) When the requirements of Subsection (b) of this section are fulfilled, the president of the board of trustees may execute an oil and/or gas lease or sell, exchange, and convey the minerals, or any part thereof, in land belonging to the school district to any person upon the terms which the trustees deem advisable and which the commissioner of educa-



tion approves. The mineral deed or lease shall recite the approval of the commissioner of education and the resolution of the board authorizing the sale.

(d) If the district has outstanding bonds, the proceeds of the sale shall be applied to the sinking fund account of the district. If the district has no outstanding bonds, the proceeds shall be used for the purchase of necessary grounds or the construction or repairing of school buildings or deposited to the local maintenance school fund of the district.

(e) Any and all sales or leases of mineral heretofore made by any independent school districts in substantial compliance with the provisions of this section, when such sales or leases have been made with the consent of the State Board of Education or the chief administrative officer of the public schools of this state after the same have been authorized by the trustees of the independent school district, shall not be invalid by reason of any lack of authority to make and enter into such sales and leases.

#### § 23.30. Sale of Property Other Than Minerals

(a) The board of trustees of any independent school district may, by resolution, authorize the sale of any property, other than minerals, held in trust for free school purposes.

(b) The president of the board of trustees shall execute his deed to the purchaser of such reciting therein the resolution of the board of trustees authorizing the sale.

(c) The proceeds of such sale shall be used for the purchase of more convenient and more desirable school property or for the construction or repairing of school buildings or deposited to the credit of the local maintenance fund of the district.

(d) Any and all sales of school houses, buildings or lands heretofore made by any independent school district in substantial compliance with the provisions of this section, after same has been authorized by the trustees of the independent school district, shall not be invalid by reason of any lack of authority to make and enter into such sales.

#### § 23.31. Eminent Domain

(a) All independent school districts, except those covered in Section 17.26 of this code, shall have the power by the exercise of the right of eminent domain to acquire the fee simple title to real property for the purpose of securing sites upon which to construct school buildings or for any other purpose which may be deemed necessary for the independent school district.

(b) In all such condemnations, the trial and all other proceedings, including the assessing of damages, shall be in conformity with the statutes of the state for condemning and acquiring property by railroads.

(c) Whenever final judgment is rendered in a condemnation, the plaintiff shall be awarded the fee simple title to the property condemned and thereafter have, hold, and possess such property in fee simple title, with full power over the same including the right of alienation.

(d) If the school district should desire to enter upon and take possession of the property sought to be condemned pending suit, it may do so at any time after the award of the commissioners, upon the following conditions:

- (1) It shall not be required to give any bond whatsoever, but it shall pay to the defendant the amount of damages awarded or ad-

judged against it by the commissioners or deposit the same in money in court subject to the order of the defendant, and also pay the costs awarded against it.

(2) If on an appeal from the award of the commissioners the judgment shall exceed the amount of the award, the district, in the event it shall have previously taken possession of the property condemned, shall pay the judgment and costs awarded against it, within 60 days from the date of the final judgment in the case and, upon its failure so to do, the court shall upon application of the defendant inquire what damages, if any, have been suffered by the defendant by reason of the temporary possession by plaintiff, and order the same paid out of the award deposited in court and order a writ of possession for the property in favor of the defendant.

(3) If the final judgment on any such appeal shall be less than the amount of the award of the commissioners, the court shall adjudge the excess to be returned to the district.

(4) If the cause should be appealed from the decision of the county court, the appeal shall be governed by the law governing appeals in other cases, except that the judgment of the county court shall not be suspended thereby.

#### **SUBCHAPTER C. BUDGET AND FISCAL ACCOUNTING SYSTEM**

##### **§ 23.41. Budget Officer**

The president of the board of trustees of each independent school district whether created by general or special law shall be the budget officer for the district and, as such, shall have the duties prescribed in this subchapter.

##### **§ 23.42. Preparation of Budget**

(a) Not later than August 20 of each year, the president shall prepare, or cause to be prepared, a budget covering all estimated receipts and proposed expenditures of the district for the next succeeding fiscal year.

(b) The budget must be itemized in detail according to classification and purpose of expenditure, and must be prepared according to the rules and regulations established by the State Board of Education.

##### **§ 23.43. Deputy Budget Officer**

To assist him in the professional and technical phases of budget preparation, the president of the board of trustees shall designate as deputy budget officer the business manager, if any, of the district, or the superintendent of schools; and if the district has no superintendent, the chief administrative employee of the district shall be designated as deputy budget officer.

##### **§ 23.44. Records and Reports**

The president of the board of trustees shall see to it that records are kept and that copies of all budgets, all forms, and all other reports are filed at the proper times and in the proper offices as required by subsequent sections of this subchapter.

##### **§ 23.45. Budget Meeting**

(a) When the budget has been prepared, the president shall call a meeting of the board of trustees, giving five days public notice and stat-

ing that the purpose of the meeting is the adoption of a budget for the succeeding fiscal year.

(b) It shall be the duty of the board of trustees, at the meeting called for that purpose, to adopt a budget to cover all expenditures for the independent school district for the next succeeding fiscal year. Any taxpayer of the district may be present and participate in the hearing.

#### **§ 23.46. Filing of Adopted Budget**

Not later than November 1 of the year for which the budget is adopted, copies of the budget must be filed in the office of the county clerk of the county or counties in which the district is located and with the Central Education Agency. All copies must be prepared according to the rules and regulations established by the State Board of Education, upon forms furnished by the Central Education Agency.

#### **§ 23.47. Effect of Adopted Budget; Amendments**

(a) No public funds of the independent school district shall be expended in any manner other than as provided for in the budget adopted by the board of trustees, but the board shall have the authority to amend a budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

(b) Copies of any amendment or supplementary budget, when adopted, shall be filed with the county clerk of the county or counties in which the district is situated and with the Central Education Agency. Any amendment or supplementary budget must be prepared on forms prescribed and furnished by the Central Education Agency.

#### **§ 23.48. Accounting System; Report**

(a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each independent school district. The accounting system must be keyed to and correlated with the classifications in the budget with respect to purposes of disbursements and sources of receipts.

(b) The accounting system must meet at least the minimum requirements prescribed by the State Board of Education and approved by the state auditor.

(c) Record must be kept of all expenditures made and all income received during the fiscal year for which a budget is adopted. A report of the disbursements and receipts for the preceding fiscal year shall be filed with the Central Education Agency on forms provided by the agency, at the time the budget for the current fiscal year is filed.

#### **§ 23.49. Review by Department of Education**

The budget and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the staff of the State Department of Education. The fiscal data collected shall be used by the department in the preparation of school fiscal reports to be submitted to the governor and the legislature.

#### **§ 23.50. Loss of Accreditation**

The agency shall drop from the list of accredited schools any district which fails to comply with the provisions of this subchapter or with the rules and regulations of the State Board of Education pursuant thereto.

**SUBCHAPTER D. TREASURER OF DEPOSITORY**

**§ 23.61. Treasurer or Depository**

(a) The treasurer or depository of an independent school district having 150 scholastics or more shall be that person or corporation who offers satisfactory bond or other security, as provided in this subchapter, and the best bid of interest on the average daily balances or time deposits for the privilege of acting as treasurer.

(b) The treasurer of depository when selected as provided above shall serve for a term of two years and until his successor shall have been duly selected and qualified.

**§ 23.62. Bond**

(a) Unless the board of trustees of an independent school district elects to accept a deposit of securities in lieu of a bond, as authorized by Section 23.63 of this code, the treasurer or depository of the independent school district shall be required to make a satisfactory bond as herein specified.

(b) When the bond is a personal bond, it shall be in an amount equal to the estimated amount of the total receipts coming annually into the hands of the treasurer. When the bond is executed by a surety company or is a bond other than a personal bond, it shall be in an amount equal to the highest estimated daily balance for the current biennium as determined by the governing board of the independent school district.

(c) No premium on any bond shall be paid out of the funds of the independent school district.

(d) The bond shall be payable to the president of the board of trustees and his successors in office and conditioned:

(1) that the treasurer shall faithfully discharge the duties of his office and make payment from the funds received by him upon draft of the president of the school board drawn upon order, duly entered, of the board of trustees; and

(2) that the treasurer shall safely keep and faithfully disburse all funds coming into his hands as treasurer and shall faithfully pay over to his successor all balances remaining in his hands.

(e) When the board of trustees of the independent school district has approved the treasurer's bond, the president of the board shall notify the State Department of Education by filing a copy of the bond with the department.

**§ 23.63. Deposit of Securities**

(a) The board of trustees of an independent school district may, in lieu of the bond specified in Section 23.62 of this code, accept a deposit of approved securities as provided by this section.

(b) Such securities may include bonds of the United States, or bonds of the State of Texas, or bonds of any county, city, town, or independent school district in the state, or anticipation tax warrants and/or anticipation tax notes legally issued by the governing body of the independent school district.

(c) Such securities shall be deposited as the board of trustees of the independent school district may direct in an amount sufficient adequately to protect the funds of the school district in the hands of the selected treasurer.

(d) When the board of trustees of the independent school district has approved the treasurer's deposit of securities, the president of the board of trustees shall notify the State Department of Education by filing a copy of the depository pledge contract listing the securities on deposit.

#### § 23.64. Records

Each treasurer or depository receiving or having control of the school funds of an independent school district shall keep a full and separate itemized account of each different classes of school funds coming into his hands and shall make his records available for audit.

[Sections 23.65–23.70 reserved for expansion]

### SUBCHAPTER E. SCHOOL DEPOSITORY ACT

#### § 23.71. Short Title

This subchapter may be cited as the School Depository Act.

#### § 23.72. Adoption of Act Optional

Any independent school district of more than 150 scholastics may elect by a majority vote of its board of trustees to adopt the terms and provisions of this subchapter. Thereafter, the school depository or depositories for said school district shall be selected in accordance with the terms and provisions of this subchapter.

#### § 23.73. Definitions

As used in this Act, unless otherwise clearly indicated by the context:

(1) "School district" means any public independent school district of more than 150 scholastics;

(2) "Bank" means a state bank authorized and regulated under the laws of the state pertaining to banking and in particular authorized and regulated by the Banking Department Self-Support and Administration Act, or a national bank authorized and regulated by federal law.

(3) "Time Deposit," including "time certificate" and "time deposit-open account," have the same definitions as adopted for said terms by the Board of Governors of the Federal Reserve System.

(4) "Approved securities" means bonds of the United States, bonds of the State of Texas, bonds of the counties of the State of Texas, bonds of school districts of the State of Texas, bonds of any town or city of the State of Texas, and bonds of any other district or political subdivision of the State of Texas.

#### § 23.74. Depository Must be a Bank

A school depository under the terms and provisions of this subchapter shall be a bank, if any, located within the territory of the school district selecting said depository, and, if none, a bank within the territory of an adjoining school district.

#### § 23.75. Trustee as Stockholder, Etc., of Bank

In the event a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank located in said school district, or a bank located in an adjoining school district, said bank shall

not be disqualified from bidding and becoming the school depository of said school district provided said bank is selected by a majority vote of the board of trustees of said school district or a majority vote of a quorum when only a quorum eligible to vote is present. Common law rules in conflict with the terms and provisions of this Act are hereby modified as herein provided. If a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank that has bid to become the depository for said school district, said member of said board of trustees shall not vote on the awarding of the depository contract to said bank and said school depository contract shall be awarded by a majority vote of said board of trustees as above provided who are not either a stockholder, officer, director, or employee of the bank receiving said school district depository contract.

**§ 23.76. Term: Bond**

The depository bank when thus selected shall serve for a term of two years and until its successor shall have been duly selected and qualified, and shall give bond as hereinafter provided. Said term shall commence on September 1 and terminate on August 31. No premium on any depository bond shall be paid out of funds of the school district.

**§ 23.77. Bid Notices; Bid Form**

The board of trustees of any school district adopting this subchapter shall, at least 30 days prior to the termination of the then current depository contract, mail to each bank located in said school district, if any, otherwise to each of the banks located in an adjoining school district, a notice stating the time and place in which bid applications will be received for school depository. Attached to said notice shall be a uniform bid blank which shall be substantially in the following form:

Board of Trustees

\_\_\_\_\_ School District

Gentlemen:

The undersigned, a state or national banking corporation, hereinafter called bidder, for the privilege of acting as Depository of the \_\_\_\_\_ School District of \_\_\_\_\_ County, Texas, hereinafter called District, for a term of two years, beginning September 1, 19\_\_\_\_, and ending August 31, 19\_\_\_\_, and for the further privilege of receiving all funds or only certain funds to be designated by the District if more than one depository is selected, at its option to place on demand or interest bearing time deposits as provided in the School Depository Act, bidder will pay District as follows:

1. \_\_\_\_\_% interest per annum compounded quarterly on time deposits having a maturity date 90 days or more after the date of deposit or payable upon written notice of 90 days or more.
2. \_\_\_\_\_% interest per annum compounded quarterly on time deposits having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.
3. \_\_\_\_\_% interest rate to be paid by District to Bidder on overdrafts or their equivalent. (Overdraft as used in this paragraph shall mean that District does not have a compensating balance in other funds or accounts in the then current school year in Bidder's bank.)

4. Bidder will charge District \$\_\_\_\_\_ for keeping District's deposit records and accounts for the period covered by this bid. Included in and required as a part of this duty are the following:

(a) Preparation of monthly statements showing debits, credits and balance of each separate fund.

(b) Preparation of all accounts, reports, and records as provided in Section 20.00, Article 2919g,<sup>2</sup> Texas Education Code.

(c) Preparation of such other reports, accounts and records which may, from time to time, be required by District in order to properly discharge the duties as provided by law of Depository.

(d) Furnishing of the quantity, quality and type of checks necessary for District's use during the period for which this bid is submitted.

5. District reserves the right to invest any and all of its funds in bonds of the United States of America or other type of bonds, securities, certificates, warrants, etc., which District is authorized by law to invest in. Bidder will and shall aid and assist District in any investment without charge.

6. Bidder shall furnish to District a bond in the amount and conditioned as provided in The School Depository Act, or in lieu thereof pledged approved securities in an amount sufficient as determined by the Board of Trustees of District to adequately protect the funds of the District deposited with Bidder. District reserves the right to alter from time to time the required amount of securities to be sufficiently adequate to protect said funds and to approve or reject the securities so pledged. Bidder shall have the right and privilege of substituting securities upon obtaining the approval of District, provided the total amount of securities deposited is adequate as herein provided.

7. This bid was requested by District and is made by Bidder with the expressed agreement and understanding that District reserves the right to reject any and all bids and the further right that if any portion or provision of this bid and/or any contract between Bidder and District entered into by virtue thereof is invalid, the remainder of this bid and/or resulting contract at the option of the District shall remain in full force and effect, and not be affected by said invalid portion or provision.

8. Attached hereto is certified, or Cashier's Check in the sum of \$\_\_\_\_\_ payable to the \_\_\_\_\_ School District. If this bid to be Depository of all District funds or to be Depository of only a designated amount of said funds, is accepted, said check is to secure the performance of said bid, and if Bidder fails to enter into a contract with District as provided in bid, then said check shall be retained by District as liquidated damages for said failure. In the event this bid is not accepted, the above check is to be returned to the Bidder immediately after the award is made.

DATED this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

BIDDER \_\_\_\_\_

BY \_\_\_\_\_

TITLE \_\_\_\_\_

1. So in enrolled bill.

2. Repealed.

#### § 23.78. Award of Contract

(a) If tie bids are received for said school depository contract and each of said tie bidders has bid to pay the school district the maximum interest rate allowed by law by the Board of Governors of the Federal

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Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, and said tie bids are otherwise equal in the judgment and discretion of the board of trustees of said school district and two or more of said tie bidders in the judgment and discretion of said school district have the facilities and ability to render the necessary services of school depository for said school district, said board of trustees may award said depository contract in accordance with any one of the following methods:

(1) Award said contract, at the discretion of the board of trustees, to any one of said tie bidders;

(2) Determine by lot which of said tie bidders shall receive said depository contract; or

(3) Award a depository contract to each of said tie bidders or to as many of said tie bidders as the board of trustees may select.

(b) Said board of trustees shall have the discretion from time to time during the period of said contract to determine the amount of funds to be deposited in each of said depository banks and to determine the account services which are to be rendered by each of said banks in its capacity as school depository. Provided, however, that all funds received by the district from or through the Central Education Agency shall be deposited and retained in one depository bank to be designated by the district as its depository for said funds.

(c) The board of trustees of the school district shall at a regular meeting or special meeting consider all bids received in accordance with the terms and provisions of the above-mentioned procedure; and in determining the highest and best bid, or in case of tie bids as above provided the highest and best tie bids, said board of trustees shall consider the interest rate bid on time deposits, charge for keeping district accounts, records, and reports and furnishing checks, and the ability of the bidder to render the necessary services and perform the duties as school depository, together with all other matters which in the judgment of said board of trustees would be to the best interest of said school district. The board of trustees of said school district shall have the right to reject any and all bids.

## § 23.79. Depository Contract; Bond

(a) The bank or banks selected as school depository or depositories in accordance with the terms and provisions of this Act, and the school district shall make and enter into a depository contract or contracts, bond or bonds, or such other necessary instruments setting forth the duties, responsibilities, and agreements pertaining to said depository, and said depository bank shall attach to said contract and file with the school district a bond in an amount equal to the estimated highest daily balance to be determined by the board of trustees of the district of all deposits which the school district will have in said depository. Said bond shall be payable to the school district and shall be signed by said depository bank and by some surety company authorized to do business in the state.

(b) Said bond shall be conditioned for the faithful performance of all duties and obligations devolving by law upon said depository, and for the payment upon presentation of all checks or drafts upon order of the board of trustees of said school district, in accordance with its orders duly entered by said board of trustees according to the laws of the State of Texas; for the payment upon demand of any demand deposit in said depository; for the payment after the expiration of the period of notice



required, of any time deposit in said depository; and that said school funds shall be faithfully kept by said depository and accounted for according to law and shall faithfully pay over to the successor depository all balances remaining in said accounts. Said bond and the surety thereon shall be approved by the board of trustees of said school district and a copy of said depository contract and bond shall be filed with the State Department of Education.

(c) In lieu of the above-mentioned bond, the depository bank shall have the option of depositing or pledging with the school district or with a trustee designated by the school district approved securities in an amount sufficient to adequately protect the funds of school district deposited with depository bank. The school district shall designate from time to time the amount of approved securities to adequately protect district. The depository bank shall have the right and privilege of substituting approved securities upon obtaining the approval of the school district.

#### **§ 23.80. Investment of District Funds**

The school district shall have the right to place on time deposits or to invest any and all of its funds in bonds of the United States of America or other types of bonds, securities, certificates, warrants, etc., which the district is authorized by law to invest in.

#### **§ 23.81. Depository as Treasurer**

The bank or banks selected as school depository or depositories under the terms and provisions of this subchapter shall also be known as treasurer for said school district, and all depository duties of a treasurer of a school district provided in other statutes shall be performed by said depository bank or banks without any additional charge.

#### **§ 23.82. Effect of Subchapter**

This subchapter shall be an alternate method of selecting a school depository or depositories and shall be applicable only to the districts adopting same as provided in Section 23.72 of this code. A district adopting this subchapter shall select its depository or depositories in accordance with the terms and provisions hereof, and all other statutes pertaining to the selection of a depository shall not apply. A district adopting this subchapter may, by majority vote of its board of trustees, discontinue the selection of its depository as herein provided.

[Sections 23.83–23.90 reserved for expansion]

### **SUBCHAPTER F. ASSESSMENT AND COLLECTION OF TAXES**

#### **§ 23.91. Assessor and Collector: Powers and Duties**

The assessor and collector of taxes of an independent school district shall have the same power and shall perform the same duties with reference to the assessment and collection of taxes for free school purposes that are conferred by law upon the assessor and collector of taxes in and for any incorporated city, town, or village, or upon the person or officer legally performing the duties of such assessor and collector.

**§ 23.92. Alternate Methods of Selection**

The board of trustees of each independent school district other than a municipal school district shall select an assessor and collector of taxes by one of the applicable procedures authorized by this subchapter.

**§ 23.93. Assessor-Collector Appointed by Board**

(a) The board of trustees of any independent school district may appoint an assessor-collector of taxes for the district. The appointment shall be for a term not to exceed three (3) years as determined by the board.

(b) The assessor-collector shall give bond, to be executed by a surety company authorized to do business in the State of Texas, in an amount sufficient adequately to protect the funds of the school district in the hands of the assessor-collector. In no event shall the bond be less than twice the largest amount collected at any one time in the preceding fiscal or calendar year, or \$50,000, whichever is smaller, to be determined by the governing body in such school district. The conditions of the bond payable to and to be approved by the president of the board, shall be that the assessor-collector will faithfully discharge the duties of his office and that he will pay over to the treasurer of the independent school district all funds coming into his hands by virtue of his office as assessor-collector of taxes for the independent school district.

(c) The assessor-collector so appointed shall assess the taxable property within the limits of the independent school district within the time and in the manner provided by existing law.

(d) The assessment shall be equalized by a board of equalization appointed for that purpose by the board of trustees of the independent school district. When assessments are so equalized, the assessor-collector shall prepare the tax rolls of said district.

(e) The assessor-collector for such service shall receive such compensation as the board of trustees may allow, not to exceed four percent of the total amount of taxes received by him.

**§ 23.94. Designation of County Tax Assessor-Collector**

(a) The board of trustees of any independent school district may designate as its assessor and collector of taxes for the school district the county tax assessor-collector.

(b) The property in the school district may be assessed at a greater rate of value than the same property is assessed for state and county purposes.

(c) When the county tax assessor and collector is required to assess and collect the taxes of an independent school district, the board of trustees of such school district may contract with the commissioners court of said county for payment for such services as they may see fit to allow, not to exceed the actual cost incurred in assessing and collecting said taxes.

(d) The county official so selected shall turn over all independent school district taxes collected by him to the depository of the independent school district.

**§ 23.95. Appointment of Assessor Only**

(a) The board of trustees of any independent school district may appoint an assessor of taxes and by resolution determine and provide that the taxes shall be collected by either the county tax collector or the tax

collector of any city or town wholly or partly within the limits of the school district.

(b) The assessor of taxes shall assess the taxable property within the limits of the independent school district and, when the assessment has been equalized by a board of equalization appointed by the board of trustees of the school district for that purpose, shall prepare the tax rolls of the district and sign and certify them to the county or city officer designated to collect the taxes.

(c) The assessor shall receive a fee of two percent of the whole amount of taxes assessed by him as shown by the completed certified tax rolls.

(d) The city or county collector selected by the trustee to collect the taxes for the independent school district shall accept the rolls prepared by the special assessor as provided above.

(e) When the assessor and collector of an incorporated city, or town, is required to assess and collect the taxes of independent school districts, the board of trustees of such school districts may contract with the governing body of said city for payment for such services as they may see fit to allow, not to exceed the actual cost incurred in assessing and collecting said taxes.

(f) The city or county official so selected shall turn over all independent school district funds collected by him to depository of the independent school district.

#### § 23.96. Assessment, Collection, and Equalization by City

(a) Any independent school district located entirely or partly within the boundaries of an incorporated city or town may authorize, by ordinance or resolution, the tax assessor, board of equalization, and tax collector of the municipality in which it is located, entirely or partly, to act as tax assessor, board of equalization, and tax collector, respectively, for the district.

(b) The property in the independent school district utilizing the services of such assessor, board of equalization, and collector shall be assessed at not more than the value for which it is assessed for taxing purposes by the municipality.

(c) When the ordinance or resolution is passed making available their services, said assessor shall assess the taxes for and perform the duties of tax assessor for the independent school district; the board of equalization shall act as and perform the duties of a board of equalization for the independent school district; and the collector shall collect the taxes and assessments for, and turn over as soon as collected to the depository of the independent school district, all taxes or money, so collected, and shall perform the duties of tax collector of the independent school district.

(d) In all matters pertaining to such assessments and collections the tax assessor, board of equalization and tax collector shall be authorized to act as and shall perform respectively the duties of tax assessor, board of equalization and tax collector of the independent school district.

(e) When the tax assessor, board of equalization, and tax collector of any municipality have been authorized by ordinance or resolution to act as and perform the duties, respectively, of tax assessor, board of equalization and tax collector of an independent school district located entirely or partly within its boundaries, such included district shall pay the municipality for said services and for such other incidental expenses as are

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necessarily incurred in connection with the rendering of such services, such an amount as may be agreed upon by the governing bodies of the municipality and the independent school district.

**§ 23.97. Cooperation Between Districts**

(a) The trustees of two or more independent school districts may, by a two-thirds vote of each board of trustees participating, consolidate the assessing and collecting of their taxes by appointing one and the same person as assessor-collector for all the districts entering into the agreement.

(b) The appointment shall be for a term not to exceed two years. The boards of trustees may prescribe additional duties and qualifications to those usually required of such officers.

(c) The assessor-collector shall give bond as prescribed in Section 23.93(b) of this code.

(d) The assessor-collector shall receive such compensation as the boards of trustees may fix, not to exceed two percent for assessing and not to exceed two percent for collecting on the total amount of taxes collected.

(e) If the assessor-collector selected is a regularly licensed attorney, the participating boards of trustees may by agreement include in his duties the collecting of delinquent taxes and provide as extra compensation therefor the percentage provided for the collection of delinquent state and county taxes.

**§ 23.98. Enforced Collection**

(a) Any independent school district may contract with any competent attorney of this state for the collection of delinquent taxes of the independent school district and compensate him for his services in an amount not to exceed that allowed attorneys collecting delinquent taxes for the state and county.

(b) In the enforced collection of taxes the board of trustees of the independent school district shall perform the duties which devolve in such cases upon the city council of an incorporated city or town; the president of the board of trustees shall perform the duties which devolve in such cases upon the mayor of an incorporated city or town; and the county attorney of the county in which the district is located or the city attorney of the incorporated city in which the district or a part thereof is located shall when instructed perform the duties which in such cases devolve upon the city attorney of an incorporated city or town under the provisions of the law applicable thereto.

**CHAPTER 24. MUNICIPAL SCHOOL DISTRICTS**

**Section**

**24.01. Definition.**

**24.02. Classification.**

**24.03. Government.**

**24.04. Selection of Trustees.**

**24.05. General Powers of Trustees.**

**24.06. Maintenance Tax.**

**24.07. Levy and Collection of Taxes.**

**Section 24.01. Definition**

The term "municipal school district" includes any independent school district existing under the authority of Article VII, Section 3, or Article XI, Section 10, of the Texas Constitution, which is municipally assumed or controlled; regardless of whether the same is a city or town school district, where the boundaries of the district and the city or town are co-terminous, or whether it is an extended independent school district, where the city or town has extended its limits for school purposes only.

**§ 24.02. Classification**

Municipal school districts, regardless of the manner in which they came into existence and regardless of whether or not the boundaries have been extended for school purposes only, are classified as independent school districts. Once a municipal school district has been established, it shall continue to be an independent school district even though the city or town which assumed or accepted control of the school district abolishes its corporate existence as a municipal corporation. Except as specifically provided otherwise in this chapter, municipal school districts shall be governed and shall function in compliance with the general law relative to independent school districts as provided in Chapter 23 of this code.<sup>1</sup>

1. Section 23.01 et seq.

**§ 24.03. Government**

A municipal school district shall be governed in the general administration of its schools by a board of seven trustees, selected as provided in Section 24.04 of this code.

**§ 24.04. Selection of Trustees**

(a) The trustees of a municipal school district are elected as provided in Chapter 23 of this code<sup>1</sup> unless a municipal school district qualifies for a different method of choosing trustees under Subsection (b) of this section.

(b) Municipal school districts for which the trustees have heretofore been selected by appointment of the city council or board of aldermen are authorized to continue to choose their trustees by appointment of either two or three trustees each year, the number depending on that required to maintain a board of seven members, each appointed for a term of three years, unless and until that authority is removed under the provisions of Subsection (c) of this section.

(c) Any municipal school district in which the trustees are appointed by the city council or board of aldermen, as provided in Subsection (b) of this section, may discontinue that method of selection and provide for the election of school trustees by the following procedure:

(1) A petition signed by 25 percent of the voters of the city or town, the number to be ascertained by the ballots cast at the last regular city election, requesting an election to determine whether or not the school affairs of the city or town shall be directed by an elected school board shall be presented to the mayor;

(2) On receipt of such a petition, the mayor shall order an election to be held on the proposition;

(3) The election shall be conducted according to the general law regulating elections in the city or town; and

(4) If a majority of the votes cast at the election favor the selection of school trustees by election, the mayor shall immediately order an election for the purpose of choosing a board of seven trustees; and the election shall be conducted in the manner provided in Section 23.08, governing the election of trustees of independent school districts; and the terms of the elected trustees shall be determined by lot as upon the creation of an independent school district as provided in Section 23.11 of this code.

1. Section 23.01 et seq.

**§ 24.05. General Powers of Trustees**

(a) The board of trustees of a municipal school district shall have the general powers and duties prescribed in this section.

(b) The board shall have the exclusive control and management of the schools of the district.

(c) Title to all houses, land, and other property owned, held, set apart, or in any way dedicated to the use and benefit of the public schools of the city or town, whether acquired before or after the establishment of the municipal school district, shall be vested in the board of trustees and their successors in office, in trust for the use and benefit of the public schools in the city or town.

(d) The board shall constitute a body corporate and shall have full power to protect the title, possession, and use of all school property within the limits of the municipal school district, and may bring and maintain suits in law or in equity in any court of competent jurisdiction when necessary to recover the title or possession of any school property adversely held in the district.

(e) Except where specific provision is made with regard to the conducting of the affairs of a municipal school district, the board of trustees of a municipal school district may exercise any power specifically granted or reasonably implied to the board of trustees of an independent school district.

**§ 24.06. Maintenance Tax**

<sup>1</sup> The governing body of any city or town constituting a municipal school districts shall upon presentation of a proper petition, signed by 50 or a majority of those entitled to vote at such elections, order such election to determine the proposition of the levy of a maintenance tax and/or the issuance of bonds for purposes of its schools. The provision of the laws applicable to other independent school districts relative to and governing maintenance tax and bonds and the holding of elections therefor shall apply, except as provided by this section.

(b) If the vote of the taxpayers is in favor of the tax, then the governing body of the city annually thereafter shall levy and assess on the taxable property in the limits of the municipal school district, by ordinance duly passed and approved, the school tax, not to exceed the rate voted, for the support and maintenance of the public schools and where bonds are voted, for the erection and equipment of public school buildings, in accordance with the requisition furnished.

(c) The board of trustees of the municipal school district shall determine what amount of the tax, in the limit authorized by law and voted by the people or fixed by special charter, will be necessary for the support of the schools and for the erection and equipment of public school buildings for each fiscal year, and the governing body of the city, on requisition

tion of the board of trustees, annually shall levy and collect the tax, as other taxes are levied and collected.

(d) The school taxes, when collected, shall be placed at the disposal of the school board, and paid monthly to the depository to the account of the board the amount so collected, to be used for maintenance and support of the public school in the municipal district.

1. Paragraph probably should be lettered (a).

#### § 24.07. Levy and Collection of Taxes

(a) The levy of taxes for school purposes in a municipal school district shall be based upon the same assessment of property upon which the levy for other city purposes is based.

(b) Taxes for a municipal school district may be collected as prescribed by either Subsection (c) or Subsection (d) of this section.

(c) The assessor and collector of taxes for the city or town may assess and collect taxes for the municipal school district, in which event:

(1) The taxes for school purposes shall be assessed and collected at the same time and in the same manner as other city taxes are assessed and collected; and

(2) The city assessor and collector of taxes shall receive no other compensation for collecting school taxes than the compensation paid him for assessing and collecting city taxes.

(d) The board of trustees of a municipal school district may contract with the county assessor-collector of taxes to assess and collect the taxes for the municipal school district on property located in the county and subject to the municipal district tax under the following terms and conditions:

(1) The board of trustees, on or before August 1 of each year, shall pass a resolution authorizing the county assessor and collector of taxes to perform this function for the district and setting forth the rate of taxation for bonds and for local maintenance;

(2) A maximum fee of one percent for assessing and one percent for collecting may be paid to the county tax assessor and collector; and

(3) The county tax collector shall make monthly reports of all taxes collected to the depository of school funds for the municipal school district and shall make all other reports required of collectors of taxes for independent school districts.

## CHAPTER 25. RURAL HIGH SCHOOL DISTRICTS

### Section

25.01. Classification.

25.02. Applicability of Other Laws.

25.03. Government.

25.04. Election and Terms of Trustees.

25.05. Vacancies on the Board of Trustees.

25.06. Organization and Powers of Trustees.

25.07. Assessment and Collection of Taxes.

25.08. Elementary School Districts.

25.09. Consolidated Rural High School District.

**Section 25.01. Classification**

(a) Rural high school districts shall be classified as common school districts, and other districts, whether common or independent, composing the rural high school district, shall be classified and referred to as elementary school districts.

(b) A rural high school district may be converted into an independent school district as provided in Chapter 19 of this code.<sup>1</sup>

1. Section 19.001 et seq.

**§ 25.02. Applicability of Other Laws**

Except as specifically provided in this chapter or in a particular provision of a general statute, all rural high school districts shall operate and function as other common school districts as provided in Chapter 22 of this code.<sup>1</sup>

1. Section 22.01 et seq.

**§ 25.03. Government**

The control and management of the schools of each rural high school district shall be vested in a board of seven trustees.

**§ 25.04. Election and Terms of Trustees**

(a) The trustees of a rural high school district shall be elected in the manner provided for the election of trustees of a common school district except as may be otherwise provided in this chapter.

(b) At least one voting box shall be provided in each elementary district composing the rural high school district.

(c) The trustees shall be elected by the qualified voters of the district at large, but if the district is composed of seven or fewer elementary districts, at least one trustee must be a resident of each original elementary district included in the rural high school district;

(d) In a rural high school district consisting of more than 100 square miles of territory or embracing more than seven districts, the board of trustees shall be elected from the district at large.

(e) In the event a rural high school district is created at a time other than the trustee election time, it shall be the duty of the county governing board to appoint a board of trustees as prescribed herein, to serve until the next regular election day for trustees of common school districts.

(f) Elections shall be held annually. At the first election after the establishment of the rural high school district the trustees shall determine by lot the terms for which they shall serve, and those drawing numbers one, two, and three shall serve for a term of one year, those drawing numbers four and five shall serve for a term of two years, and those drawing numbers six and seven shall serve for a term of three years, or until their successors are elected and qualified. At all subsequent elections either two or three trustees shall be elected to succeed the trustees whose terms expire at that time.

(g) The regular term for trustees of a rural high school district shall be three years.

**§ 25.05. Vacancies on the Board of Trustees**

Any vacancy on the board of trustees of a rural high school district shall be filled for the unexpired term by appointment by the members of the board remaining after the vacancy.



**§ 25.06. Organization and Powers of Trustees**

(a) The board of trustees of a rural high school district shall organize by electing a president and a secretary, each of whom shall be a member of the board.

(b) All funds of every nature to which a rural high school district may be entitled shall be paid out on warrants issued by the secretary and signed by the secretary and president of the board and approved by the county superintendent.

(c) The secretary shall keep an itemized account of all receipts and disbursements in a well-bound book owned and acquired by the district, and his accounts shall be approved by the county superintendent.

(d) All funds belonging to a rural high school district shall be deposited in the county depository of the county having jurisdiction of the district.

(e) The board of trustees of a rural high school district shall have those powers granted to the boards of trustees of other common school districts and shall be subject to the same restrictions as other common school districts except as provided herein.

**§ 25.07. Assessment and Collection of Taxes**

(a) Except as provided in this chapter, the taxes for a rural high school district shall be assessed and collected by the county tax assessor-collector in the manner provided for the assessment and collection of taxes for a common school district, but no tax shall be levied and no bonds assumed or issued by the board of trustees of the rural high school district until after election in accordance with the law governing such elections in independent school districts.

(b) The board of trustees of a rural high school district may appoint an assessor of taxes who shall assess the taxable property within the limits of the district and the assessment shall be equalized by a board of equalization composed of three members, legally qualified voters residing in the district, appointed by the board of trustees, in which event:

(1) The tax assessor so appointed shall make a complete list of all assessments made by him and when the list is approved, shall submit it to the county tax collector not later than September 1 of each year, and the tax assessor shall receive compensation for his services as the trustees of the district may allow, not to exceed two percent of the taxes assessed by him;

(2) The board of equalization shall have the same powers and be subject to the same restrictions as apply to such boards in independent school districts; and

(3) The county tax assessor-collector shall collect the taxes and shall deposit the funds so collected in the county depository to the credit of the rural high school district, and he shall be compensated at the rate of one-half of one percent for his services for collecting the taxes.

(c) If a rural high school district has an assessed valuation in excess of \$4,000,000 and an average daily attendance of more than 550 students during the preceding school year, the board of trustees of the rural high school district may, by majority vote, appoint a collector of taxes for the district who shall perform the duties ordinarily required of a county tax collector who collects taxes for a common school district. He shall receive such compensation for his services as the trustees of the district may allow, not to exceed five percent of the total amount of taxes re-

ceived by him. He shall give bond in the estimated amount of taxes coming annually into his hands. The bond shall be payable to and approved by the president of the board of trustees and conditioned that he will faithfully discharge his duties and will pay over to the depository for the rural high school district all funds coming into his hands by virtue of his office. Any premium on the bond shall be payable out of funds of the district.

(d) If a rural high school district is situated in or subject to the jurisdiction of a county having a population of 350,000 or more, according to the last preceding federal census, the board of trustees of the rural high school district may, by majority vote, choose to have the taxes for the district assessed and collected by an assessor-collector appointed by the board and to have the taxes equalized by the board of equalization of the district. In the event the board so chooses, the following regulations shall apply:

(1) The assessor-collector appointed by the board shall assess the taxable property within the limits of the district in the time and manner provided by the general law applicable to taxation within the district, insofar as the law is applicable, and collect the taxes;

(2) The assessor-collector shall receive such compensation for his services as the board of trustees may allow;

(3) The assessor-collector shall give bond, fulfilling the qualifications that the bond shall be:

(A) executed by a surety company authorized to do business in the State of Texas;

(B) in an amount determined by the board of trustees to be sufficient adequately to protect the funds of the rural high school district;

(C) payable to the president of the board of trustees of the rural high school district and approved by the board of trustees; and

(D) conditioned that the assessor-collector will faithfully discharge his duties and will deposit in the county depository to the credit of the rural high school district all funds coming into his hands by virtue of his office; and

(4) The board of trustees may also appoint one or more deputy tax assessor-collectors for the district who shall receive for their services such compensation as the board may allow.

(e) Local taxes previously authorized by a district or districts included in a rural high school district shall be continued in force until such time as a tax election in the rural high school district may authorize a uniform tax for the benefit of the rural high school district.

#### § 25.08. Elementary School Districts

(a) The elementary schools in each rural high school district shall be classified by the county board of school trustees, which shall at the same time designate the number of grades to be taught in the elementary schools. When the classification is made, the board of trustees of the rural high school district shall maintain each elementary school for the same length of term as the other schools in the rural high school district.

(b) The board of trustees of a rural high school district shall have the right to be heard by the county board of school trustees relative to the classification of schools within the district and shall have the right of appeal from that classification to the commissioner of education.

(c) No elementary school district shall be abolished, annexed, or consolidated with any other elementary school district except in the following manner:

(1) An elementary school district may be abolished by the board of trustees of the rural high school district if the district has had an average daily attendance of fewer than 20 pupils during the preceding school year;

(2) An elementary school district whose school(s) have been discontinued may be annexed to any other contiguous elementary school district within the rural high school district by the county board of school trustees acting on the petition of the board of trustees of the rural high school district, in which event:

(A) The annexation shall be for all purposes and the former elementary district so annexed will then be regarded as abolished; and

(B) The board of trustees of the rural high school district shall have authority to move or otherwise dispose of the buildings and other property of the abolished elementary district in any manner deemed by the board to be proper and beneficial to the rural high school district; and

(3) Any number or all of the component elementary districts within a rural high school district may be consolidated by an election following the procedure set out in Subchapter H of Chapter 19 of this code<sup>1</sup> and under the following terms:

(A) If all of the elementary districts within the rural high school district are consolidated into a single elementary school district identical in area with that of the rural high school district, the consolidation shall not affect the status of the district as a rural high school district; and

(B) If fewer than all of the component elementary districts petition for election to consolidate, they must be contiguous elementary districts.

1. Section 19.231 et seq.

#### § 25.09. Consolidated Rural High School District

When all the component elementary districts within a rural high school district have been consolidated into a single elementary district and all scholastics in the district are transferred to a central school in the rural high school district where both elementary and high school grades are maintained under one administration, the elementary district and the rural high school district may be consolidated in the manner provided in Subchapter H of Chapter 19 of this code.<sup>1</sup> The consolidated district may maintain its status as a rural high school district or it may be converted into an independent school district in the manner provided in Subchapter G of Chapter 19 of this code.<sup>2</sup>

1. Section 19.231 et seq.

2. Section 19.201 et seq.

**CHAPTER 26. REHABILITATION DISTRICTS  
FOR HANDICAPPED PERSONS**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section**

26.01. Definitions.

[Sections 26.02–26.10 reserved for expansion]

**SUBCHAPTER B. CREATION OF DISTRICT**

- 26.11. Purpose.
- 26.12. Creation of District.
- 26.13. Petition.
- 26.14. Election.
- 26.15. Proposition to Voted Upon.<sup>1</sup>
- 26.16. Voters.
- 26.17. Results of Election.
- 26.18. Annexation of New Counties.

[Sections 26.19–26.30 reserved for expansion]

**SUBCHAPTER C. ADMINISTRATIVE PROVISIONS**

- 26.31. Board of Directors.
- 26.32. Initial Directors.
- 26.33. Term of Office for Initial Directors.
- 26.34. Subsequent Selection of Directors.
- 26.35. Term of Officer for Successors.
- 26.36. Oath of Office.
- 26.37. Officers.
- 26.38. Compensation.
- 26.39. Meetings.
- 26.40. Rules of Procedure; Quorum.
- 26.41. Board Office.

[Section 26.42–26.60 reserved for expansion]

**SUBCHAPTER D. POWERS AND DUTIES**

- 26.61. Suits.
- 26.62. General Powers of Board of Directors.
- 26.63. Residential Program; Curriculum; Trainees.
- 26.64. Admission.
- 26.65. Exceptional Children Teacher Units.
- 26.66. Tuition; Fees.
- 26.67. Donations; Gifts; Etc.
- 26.68. Federal Aid.
- 26.69. Taxes.
- 26.70. Group Residence Centers.
- 26.71. Employment of Trainees.
- 26.72. Additional Powers.

1. So in enrolled bill.

**SUBCHAPTER A. GENERAL PROVISIONS****Section 26.01. Definitions**

As used in this chapter:

(1) "Handicapped person" means a physically handicapped person or a mentally retarded person, not including blind, whose educational or vocational opportunities are limited as the result of physical or mental limitations.

(2) "Physically handicapped person" means any person six years of age or over, of reasonably normal educable mentality, whose body functions or members are so impaired that they cannot be safely or adequately educated or trained for gainful employment in regular classes of normal persons or without special training and special services not usually available in public schools or without training cannot enjoy independent living.

(3) "Mentally retarded person" means any person six years of age or older, who, because of retarded intellectual development, cannot be educated safely and adequately in the public schools with normal children or in readily accessible training institutions in the home environs of such person, but who may be expected to benefit from special education or training facilities designed to make him economically useful and socially adjusted.

(4) "District" (unless otherwise indicated by the context) means any rehabilitation district as described in this chapter.

(5) "Trainee" means any handicapped person who is or has been enrolled in a district.

(6) "Board of directors" means the board of directors of any district.

(7) "Independent living" shall mean any degree of improvement achieved by a handicapped person whether by freedom from institutional or attendental care or reduction of such care.

[Sections 26.02–26.10 reserved for expansion]

**SUBCHAPTER B. CREATION OF DISTRICT****§ 26.11. Purpose**

Rehabilitation districts may be created to provide education, training, special services, and guidance to handicapped persons peculiar to their condition and needs, to develop their full capacity for usefulness to themselves and society, and to prevent them from becoming or remaining, in whole or in part, dependent on public or private charity.

**§ 26.12. Creation of District**

A rehabilitation district may be established by voters of a county, or a combination of contiguous counties, containing taxable property, the total assessed valuation of which must be not less than \$200,000,000, according to the most recent tax rolls of the county or combination of counties making up the proposed district, as described in this subchapter.

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**§ 26.13. Petition**

A petition signed by a number of qualified property taxpaying voters in each county in the proposed rehabilitation district equal to not less than one percent of the total number of votes cast for governor in such county at the most recent election for governor held therein, must be filed with the commissioners courts of the respective counties. The signatures on the petition must be separated according to the counties in which the signers reside, under appropriate headings indicating the county of residence. If there is more than one county in the proposed district, the petition must be in two or more parts, one part for each county to be included in the district. The name of the proposed district must be set forth in the petition, and must include the words, "Rehabilitation District for Handicapped Persons." The petition must be dated, and must pray for an election, to be held not less than 30 nor more than 60 days after the date of the petition, to determine whether or not there shall be created a rehabilitation district for handicapped persons, with power to levy taxes to acquire or construct residence centers and such other facilities, if any, as the board of directors may deem necessary or proper for the training and guidance of handicapped trainees and to maintain and operate said district.

**§ 26.14. Election**

Promptly on receipt of a petition, each commissioners court must order an election to be held in his county on the date prayed for in the petition. The order must designate polling places, appoint election officers, provide supplies for the election, and set forth the name of the proposed rehabilitation district as specified in the petition. The election precincts must conform to the regular election precincts of each county. Each commissioners court must cause notice of election to be published once each week for two alternate weeks in one or more newspapers having general circulation in its county, the first publication to be at least 21 days before the election, and must cause notice to be posted in a public place in each commissioners precinct, and at the courthouse door of its county. If a regular session of a commissioners court receiving a petition is not to be held in time to order the election and give notice of it, the county judge of that county must, upon the petition being called to his attention, timely call a special session of the commissioners court for this purpose. Except as herein provided, the election in each county shall be conducted in accordance with the general laws of Texas.

**§ 26.15. Proposition to be Voted Upon**

The proposition shall be submitted at the election in each county, and the ballots shall be printed to provide for voting for or against the proposition:

"The creation of the rehabilitation district for handicapped persons, with power to levy taxes for residence centers and such other facilities, if any, as the board of directors may deem necessary or proper for the training and guidance of such persons and for maintenance and operation of said district."

**§ 26.16. Voters**

Only qualified voters who reside and own taxable property in the county in which they offer to vote and who have duly rendered their property for taxation are eligible to vote.

**§ 26.17. Results of Election**

(a) Within 10 days after the election, each commissioners court must make a canvass of the returns and declare the results of the election. If a majority of those voting in the election in each county vote for the proposition, the establishment of a rehabilitation district is thereby effected. If the proposition fails to carry in any county, the formation of the rehabilitation district in counties in which it passed is not affected, unless the counties in which it passed are not contiguous, or do not have a total assessed valuation of property of \$200,000,000, according to their most recent tax rolls, in which case no rehabilitation district can be established.

(b) If the election does not create a rehabilitation district, no subsequent election for the creation of a rehabilitation district may be had in the affected counties within one year of the date of the election.

**§ 26.18. Annexation of New Counties**

(a) Any county or combination of counties, contiguous to an existing rehabilitation district may be annexed to it and become a part of it by following the procedures in and meeting the requirements of Subsections (a), (b), and (d) of this section, with the exceptions as described in this section.

(b) The petition in Section 26.13 of this chapter must be signed by a number of qualified property taxpaying voters in each county in which annexation is desired equal to one percent of the number of votes cast for governor in such county at the most recent general election for governor held therein. The petition must contain the name of the district to which annexation is desired, and must pray for an election to determine whether or not the county shall be annexed to the rehabilitation district.

(c) The proposition shall be voted upon in an election held under this section, and the ballots shall be printed to provide for voting for or against the proposition:

“Annexation to (here insert the name of the rehabilitation district).”

(d) The commissioners court election order in Section 26.14 of this chapter, must set forth the name of the rehabilitation district to which annexation is proposed.

(e) Within 10 days after the election, the commissioners court of each county in which there was an election, must canvass the returns and declare the results of the election in that county, and shall forthwith certify the results of such election to the board of directors of such existing district. In each county, if any, in which a majority of those voting at the election vote for the proposition, the annexation of such county to said rehabilitation district shall be thereby effected.

(f) The provisions of this chapter prescribing the qualifications of electors to vote in elections to create rehabilitation districts shall apply to elections for the annexation of counties to such rehabilitation districts; and all of the provisions of this chapter relating to the number and classes of directors of said rehabilitation district in each county; the manner of their initial and subsequent selection; the manner of determining the initial terms of office, and fixing the regular terms of office of directors, as provided for in this chapter concerning the original district, shall be applicable to each annexed county.

[Sections 26.19–26.30 reserved for expansion]

**SUBCHAPTER C. ADMINISTRATIVE PROVISIONS**

**§ 26.31. Board of Directors**

The board of directors of a district shall be composed of one director from each county commissioners precinct located in the district, and one director at large for each county, and in addition, one director at large for each 50,000 inhabitants, or major fraction of such number of inhabitants, in each county in the special school district.

**§ 26.32. Initial Directors**

Within 30 days after the election creating the district:

(1) each county commissioner from each precinct in the district must recommend to the county judge of his county, one director, and the county judge must appoint the recommended person director; and

(2) the county judge must appoint the directors at large authorized for each county by Section 26.11 of this code.

**§ 26.33. Term of Office for Initial Directors**

(a) The four directors selected from the commissioners precincts of each county must determine by lot, in a manner to be prescribed by the board of directors, which two shall hold office for a long term and which two for a short term.

(b) If there is more than one director at large from any county, half of them must serve a long term and half a short term, as also determined by lot. If there is an odd number of directors at large from any county, the majority of them must serve for the long term and the minority of them for the short term. If there is only one director at large from any county, he shall serve a short term.

(c) The term of office for those directors serving a short term runs until the first Saturday in April of the second calendar year after the calendar year in which they were appointed. The term of office for those directors serving a long term runs until the first Saturday in April of the fourth calendar year after the calendar year in which they were appointed. The term of office for an initial director from an annexed county must be shortened one year, if necessary, to make elections to his office coincide with the elections for directors in the other counties in the district.

(d) The determinations by lot in Subsections (a) and (b) of this section must be accomplished at the first meeting of the initial board of directors of the first meeting after an annexation, or as soon thereafter as is practicable.

(e) The board of directors must cause a permanent record to be made and preserved of the terms of office of each appointed director determined by lot as herein provided.

**§ 26.34. Subsequent Selection of Directors**

(a) At the expiration of the term of office of each director from a commissioners precinct, his successor must be elected at an election held in that commissioners precinct at the same time, and by the same election officers as provided for the election of the county school trustees of that county, except that the names of the candidates for the board of directors shall appear on a ballot in every voting precinct in the commissioners



precinct in which the candidate is running, provided that all such elections must be called by the board of directors, who must give public notice of elections in advance thereof, in a manner to be determined by the board of directors, to call the attention of the voting public thereto. The forms of ballots to be used conformable to general law, may also be determined by the board of directors, and at the discretion of the board of directors, the same ballot for the election of county trustees may be used for the election of directors. If there is no election for county trustees on the first Saturday in April when the election of directors of a district is to be held the election shall nevertheless be called and held for district directors from commissioners precincts whose terms expire on said date. The commissioners court of each county in which any election of directors is held must receive and canvass the returns thereof, and declare the results thereof, at the same time and in the same manner as provided by law in the case of the election of county school trustees, and must forthwith certify the results thereof, at the same time and in the same manner as provided by law in the case of the election of county school trustees, and must forthwith certify the results of the election to the board of directors. The district must pay its pro rata part of the expenses of the election of its directors to the commissioners court of the county affected.

(b) At the expiration of the term of office of each director at large, the county judge of the county from which the director was appointed must appoint his successor.

(c) Vacancies in the offices of directors must be filled by appointment by the original appointing powers that appointed the initial directors for the unexpired term.

#### § 26.35. Term of Office for Successors

The terms of office of all directors after those initially appointed shall be for four years.

#### § 26.36. Oath of Office

Every director and every officer, whether appointed or elected, must, before assuming the duties of his office, qualify by taking the official oath prescribed for state officers.

#### § 26.37. Officers

(a) At the first meeting of the initial board of directors, it must select from among its members, a president and a vice president, and must also select a secretary and a treasurer, who need not be directors. The secretary and treasurer shall have and perform duties and powers as are usually incident to their offices, in the case of private corporation, and such other duties and powers as may be provided by the board of directors. The secretary and treasurer may be the same person.

(b) The treasurer must execute a bond, with good and sufficient surety or sureties, in an amount to be determined by the board of directors, payable to the president of the board of directors, or his successors in office conditioned that the treasurer will faithfully perform the duties of his office, and faithfully account for all sums of money or other property belonging to the district coming into his hands as treasurer. The amount of the bond may, at any time, be increased or decreased by the board of directors, according as they may deem necessary for the protection of the property and funds of the district for which the treasurer is accountable.

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**§ 26.37**

The premiums, if any, for such bond or bonds shall be payable out of funds of the district.

(c) At the first meeting following each election or appointment of directors, the president and vice president's terms of office shall end, and the board of directors must again select a president and vice president.

(d) The secretary and the treasurer shall hold office at the will and pleasure of the board of directors.

(e) The board of directors may appoint assistant secretaries as it may deem necessary for the proper conduct of the duties of that office.

**§ 26.38. Compensation**

The board of directors may authorize the payment of actual expenses of directors (including travel expenses) incurred by directors in attending regular or special meetings, or otherwise rendering services of the district on the authority and at the direction of the board of directors. The treasurer and secretary, and any assistant secretaries shall receive such compensation, if any, as may be determined by the board of directors.

**§ 26.39. Meetings**

The first meeting of the initial board of directors shall be within 21 days of the time the directors are appointed, at a time and place appointed by the county judge of the county of the district containing the greatest population according to the most recent officially proclaimed federal census. Thereafter, meetings must be held at such times as may be provided in the rules and bylaws of the board of directors. Special meetings may be called by the president, or by any five members of the board.

**§ 26.40. Rules of Procedure; Quorum**

The board of directors may adopt its own rules of procedure, but a majority of the directors shall constitute a quorum, and a majority of those in attendance may transact any business.

**§ 26.41. Board Office**

The board of directors must select and maintain within the district a regular office for its meetings and for the transaction of business, at such place within the district as it may determine.

[Sections 26.42–26.60 reserved for expansion]

**SUBCHAPTER D. POWERS AND DUTIES**

**§ 26.61. Suits**

A rehabilitation district may sue and be sued in its name. In any suit against a district, process may be served on the president or vice president.

**§ 26.62. General Powers of Board of Directors**

(a) In addition to other powers granted herein, the board of directors is empowered and required to govern the district; employ all administrators, teachers, special and/or exceptional children teachers, psychologist, social workers, housekeeping, and other personnel as may be required to carry out the purposes of the district; and to discharge persons so employed. Teachers and other employees of any such rehabilitation

district shall be eligible to become members of the Teacher Retirement System of Texas on the same basis and under the circumstances as teachers and employees of an independent school district.

(b) The board shall conduct the business affairs of the district with the same powers and duties provided by law for the board of trustees of independent school districts.

(c) The board shall adopt an official seal and name for the rehabilitation district.

#### § 26.63. Residential Program; Curriculum; Trainees

The board shall:

(1) plan the residential program and the curriculum of the district, or have them planned under its direction; but in any event, plans must be approved by the board of directors and also by the state commissioner of education and by the executive director of the Texas Department of Mental Health and Mental Retardation;

(2) make reasonable limitation on the duration of residence and attendance by trainees, according to standards adopted by it; and

(3) by itself, or through an agency established by it for attending to such matters, terminate the training of any trainee who proves to be unadaptable to the training program of the district, or who is so disturbing in conduct to the other trainees as to be detrimental to the district; and the exercise of the termination power is unreviewable.

#### § 26.64. Admission

(a) Any handicapped person six years of age or older not subject to the exceptions in the subsections of this section may be admitted into a district for education and training.

(b) No handicapped person shall be admitted into a rehabilitation district whose parent or guardian, or who himself, if without a parent or guardian, has not lived within the district at least one year next prior to application for admission, unless full remuneration be received from his home county, family, or other sources.

(c) No handicapped person in attendance at a regular public school, between the ages of six and 21, shall be admitted to a rehabilitation district without having been referred or assigned to it by the independent school district in which he resides, or by the county school superintendent. If a handicapped person applying to a rehabilitation district for admission is over 16 years of age or under 21 years of age and is in attendance at a regular public school, he shall not be admitted to the rehabilitation district for education and training without having been referred to it for that purpose by the county school superintendent, if such public school be situated without an independent school district, or by an independent school district if such public school is within such independent school district.

(d) No handicapped person shall be admitted into a district for education or training as such, without application having been made therefor to it and until he has been found acceptable for education<sup>1</sup> and training by the entrance committee of the district which shall set admission standards, such standards having been approved by the board of directors. The finding of the entrance committee, to be created by the board of directors, as to the eligibility or ineligibility of an applicant shall be final except that appeal may be made therefrom to the board of directors

## § 26.64

according to an appellate procedure prescribed by the board. The decision of the board of directors shall be final and nonappealable.

1. So in enrolled bill.

## § 26.65. Exceptional Children Teacher Units

(a) To provide for the continuance of an educational program for handicapped persons between the ages of six and 21, inclusive, the training facility(s) operated by and within the district shall be eligible for and allotted exceptional children teacher units to the extent herein provided, directly through the Foundation School Program of the Central Education Agency.

(b) The basis for establishing, operating, and the formula to be used for determining allocation of said exceptional teacher units shall be as required by the Central Education Agency of independent school districts except that the district's allocation shall be limited, computed upon and restricted to include only exceptional children between the ages of 14 and 21, both inclusive. Provided, however, that no local fund assignment shall be charged to a rehabilitation district.

(c) The cost of approved professional units authorized including the per unit operational cost provided by law shall be considered by the Foundation Program Committee in estimating the funds needed for Foundation Program purposes.

## § 26.66. Tuition; Fees

The board may fix such fees and tuition rates as are deemed necessary to supplement other sources of funds for maintaining and operating the district in carrying out its functions, with authority, however, to reduce fees and tuition, or waive them altogether, in cases where the parents or guardians of trainees are able to pay a portion only or none of such tuition or fees, in the judgment of the board of directors, or in the judgment of an agency created by the board of directors to determine such matters.

## § 26.67. Donations; Gifts; Etc.

The board may accept donations, gifts, and endowments for the district, to be taken in trust and administered by the board of directors for such purposes, and under such directions, limitations, and provisions, if any, as may be prescribed in writing by the donor, not inconsistent with the proper management and objects of the rehabilitation district.

## § 26.68. Federal Aid

The board may apply to any agency of the federal government for funds made available, as loans or grants, by the United States Government to carry out the purposes of such rehabilitation district, in the same manner, according to the same procedures, and in all respects as provided for the receipt of such funds by independent school districts; provided, further, that for rehabilitation program purposes only and to receive any funds available for rehabilitation purposes for which the district otherwise may be eligible, the authority of the district shall be restricted and enlarged to include persons not over 25 years of age.

## § 26.69. Taxes

(a) The board may levy taxes and make such distribution of such taxes as it may deem necessary for providing needed housing and facilities, and for the support of the rehabilitation program, except that the total annual tax for all district purposes shall not exceed the rate of five cents

on each \$100 of assessed valuation of taxable property located in such district.

(b) The tax assessors and collectors of each county in a rehabilitation district must assess and collect taxes on taxable property in the county on levies made and rates fixed by the board of directors of that district, not exceeding the rate of five cents on each \$100 of valuation. The valuations assessed on property for state and county taxes must be used as the valuations for district taxes. Each tax collector must collect district taxes at the same time that he collects state and county taxes. All taxes collected for a rehabilitation district must be accounted for and paid over to the treasurer of the district and the tax collector must receive the same compensation for assessing and collecting rehabilitation district taxes as is provided by law for like services rendered for junior college districts.

#### § 26.70. Group Residence Centers

Each district may, by itself, or in conjunction with service clubs, women's clubs, or other organizations interested in serving the disabled, cities or counties, or any organization or person deemed equipped by the board of directors, provide for group residence rehabilitation centers within the rehabilitation district. Such group residence centers shall be used as living units, with or without board, for those students or trainees of the rehabilitation district, who have become gainfully employable and/or employed, and who, in the opinion of the board of directors, would benefit from group living while adjusting to work and to general society.

#### § 26.71. Employment of Trainees

Rehabilitation districts shall cooperate with the Texas Employment Commission and the Vocational Rehabilitation Division of the Texas Education Agency in finding employment for their employable trainees.

#### § 26.72. Additional Powers

All powers relating to the acquisition of land and to the construction or acquisition of facilities except the issuance of bonds, and to taxation, vested by law in independent school districts, shall be applicable to any rehabilitation district, subject to a tax limitation of five cents on each \$100 valuation.

**CHAPTER 27. COUNTY INDUSTRIAL TRAINING  
SCHOOL DISTRICTS**

**Section**

- 27.01. Establishment and Location; Purpose.
- 27.02. Petition and Election; Board of Trustees.
- 27.03. Powers and Duties.
- 27.04. Power of District to Levy, Assess and Collect Tax.
- 27.05. Compensation of the Board of Trustees.
- 27.06. Bonds and Revenues of the District.
- 27.07. Restriction of Establishing District in Counties with Vocational or Technical High Schools.
- 27.08. Abolition of Districts.

**Section 27.01. Establishment and Location; Purpose**

A district to be known as the “\_\_\_\_\_ County Industrial Training School District” may be established and located any county of this state to provide vocational training for residents and nonresidents of such county.

**§ 27.02. Petition and Election; Board of Trustees**

(a) Upon a petition signed by five percent of the resident qualified taxpaying voters in any such county, the commissioners court shall call and cause to be held an election within 30 days after petition has been duly presented for the purpose of electing three members of the board of trustees of such county industrial training school district. The three trustees elected shall then appoint four persons, one each from the following classes:

- (1) a member of the city council of any incorporated city or town located within the county;
- (2) a member of the governing body of any other school district in the county;
- (3) a juvenile judge for that county; and
- (4) the county judge or a member of the commissioners court.

(b) These appointive trustees shall be full voting members of the board of trustees, except as provided in this chapter.

(c) All members of the board shall be residents of the county where the county industrial training school district is established.

(d) The first trustees elected for the district shall by lots divide themselves into three classes: class one, consisting of one member, who shall serve for two years; class two, consisting of one member, who shall serve for four years; and class three consisting on<sup>1</sup> one member, who shall serve for six years. Each trustee elected thereafter shall be elected for a term of six years.

(e) The appointive trustees for the district shall serve terms of two years.

(f) Any vacancy occurring on the board shall be filled for the unexpired term by an appointee decided on by at least two of the elected trustees.

1. So in enrolled bill.

**§ 27.03. Powers and Duties**

(a) In the management and control of the District, the board of trustees is authorized to exercise the powers and duties as described in this section.

(b) The board of trustees shall select a chairman of the board and define his duties, and shall have the power to remove him when in its judgment the interest of the district shall require it.

(c) The board of trustees shall appoint other officers of the district, the teaching staff, and other employees, and fix their respective salaries, and shall have the power to remove them when in its judgment the interest of the district shall require it.

(d) The board of trustees shall arrange for and operate whatever facilities they deem necessary for the establishment of any vocational school within said district.

(e) The board of trustees shall enact such bylaws, rules, and regulations as may be necessary for the successful management and government of any vocational school within said district.

(f) The board of trustees shall determine what departments of instruction shall be maintained and what subjects of study shall be pursued in the various department.

(g) The board of trustees shall have the authority to make proper arrangements by contract with other educational institutions, private individuals, corporate institutions, or the state, for the use of facilities and for the services of qualified personnel; and to make such other arrangements as it deems necessary for the proper training and education of students in the district.

(h) The board of trustees shall have general supervision and control of all expenditures of the district.

(i) The board of trustees shall determine the qualifications for admission of students to any school established by the district.

(j) The board of trustees is authorized and empowered to determine the tuition and/or fees, if any, charged students attending any vocational training school established in the district.

(k) The board of trustees is authorized and empowered to grant diplomas for successful completion of any type of vocational training taught.

(l) The board of trustees is authorized to accept donations, gifts, and endowments for the district to be held in trust and administered by the board for such purposes and under such directions, limitations, and provisions as may be declared in writing in the donation, gift or endowment, not inconsistent with the objectives and proper management of the district.

(m) The board of trustees may issue revenue bonds (new or refunding) and notes for the purposes of acquiring, constructing, improving and/or equipping buildings, structures, additions to buildings or structures, and other types of permanent improvements not inconsistent with this chapter. In addition, the board may fix, charge, collect and pledge to the payment of the principal and interest on any such bonds or notes reasonable use fees from the students for the use of any type of building, structure, facility, or property. The laws governing the issuance of bonds (new or refunding) shall be governed by the laws applicable to school districts located in such counties.

**§ 27.04. Power of District to Levy, Assess and Collect Tax**

The district is hereby authorized and empowered to levy, assess, and have collected through the county tax office, the rate of tax as set by the

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**§ 27.04**

board and confirmed by a favoring majority vote of the resident qualified taxpaying voters of such county in an election, except that such rate shall not exceed that provided by law relating to school districts located in such counties upon such property values as established for county purposes, and the election shall be held in compliance with provisions governing such elections.

**§ 27.05. Compensation of the Board of Trustees**

The board of trustees shall serve without compensation.

**§ 27.06. Bonds and Revenues of the District**

Every such district shall be operated on its bond and/or note revenues, tax revenues, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom.

**§ 27.07. Restriction of Establishing District in Counties With Vocational or Technical High Schools**

No industrial training school district may be established within any county, if any school district in that county has established or is in the process of establishing a vocational or technical high school.

**§ 27.08. Abolition of Districts**

(a) Any county industrial training school district may be abolished in the manner provided in this section.

(b) A petition requesting the abolition of the district, signed by at least five percent of the qualified voters residing in the district shall be presented to the county judge of the county in which the district is located. On receipt of such a petition, the county judge shall:

(1) Issue an order designating the time and place within the district and county of his court at which there shall be held an election to determine whether the district shall be abolished;

(2) Appoint to preside an officer who shall select two judges and two clerks to assist in holding the election; and

(3) Cause notice of the election to be given by posting advertisements for at least 10 days prior to the date of the election at three public places within such county.

(c) Except as provided in this section the election shall be held in the manner prescribed by law for holding general elections.

(d) All persons who are legally qualified taxpaying voters of the state and of the county in which the district is situated and who have resided within the county for at least six months next preceding shall be entitled to vote.

(e) The officers holding the election shall make return thereof to the county judge within 10 days after the election is held.

(f) If a majority of the voters voting at the election, shall vote to abolish the district, the county judge shall declare the district abolished and enter an order to that effect upon the minutes of the commissioners court, and from the date of such order, the district shall cease to exist.

(g) Upon abolishment of such district, the commissioners court shall manage, control, and dispose of all property belonging to the abolished district, and all taxes from outstanding bonds or other indebtedness, if any, against the property of the abolished district shall remain in full force and effect and shall be levied and collected by the proper officers



of the county until the entire indebtedness is fully paid. The commissioners court shall have the power to do any and all things necessary for the payment of such bonds or other indebtedness, if any, which the district, or the trustees thereof, could have done had such district not been abolished.

(h) Any creditor of the abolished district may, within 60 days after the district has been abolished, and not thereafter, bring suit in any court of competent jurisdiction, to assert any claim against such district. The commissioners court shall institute and defend suits in the name of the abolished district, and may make such settlement of any such litigation as it deems advisable.

## CHAPTER 28. COUNTYWIDE VOCATIONAL SCHOOL DISTRICT AND TAX

### Section

- 28.01. Creation of Countywide Vocational School Districts.
- 28.02. Taxing Power of School Districts; Election.
- 28.03. Election: Petition; Order; Notice; Ballots; Conduct; Expenses.
- 28.04. Canvass of Returns; Authority to Levy and Assess Tax; Revocation of Tax.
- 28.05. Annual Levy and Collection of Tax; Deposit of Funds.
- 28.06. Duties of Commissioners Court.
- 28.07. Apportionment of Money; Formula Basis.
- 28.08. Monthly Settlements With Eligible Independent School Districts.
- 28.09. Alteration or Enlargement of Duties and Powers of Commissioners Court.
- 28.10. Eligibility to Attend School District Operating Vocational School Program; Tuition Average Daily Attendance.
- 28.11. Changing Duties or Powers of School District Trustees.

### Section 28.01 Creation of Countywide Vocational School Districts

This chapter is applicable to every county of this state. For the purpose of levying, assessing, and collecting a countywide vocational school tax for the countywide support of area vocational school programs set forth and authorized in this chapter and for such further administrative functions set forth in this chapter, the territory of each of such counties is hereby created into a school district, described as the countywide vocational school district, this taxing power to be exercised as provided.

### § 28.02. Taxing Power of School Districts; Election

There shall be exercised in and for the entire territory of each of such counties to the extent prescribed in this chapter, the taxing power conferred on school districts by Article VII, Section 3 of the Texas Constitution. Such taxing authority shall not be exercised until and unless authorized by the qualified property taxpaying voters residing therein at an election to be held for that purpose as hereinafter provided.

### § 28.03. Election: Petition; Order; Notice; Ballots; Conduct; Expenses

(a) Whenever a petition is presented to the county judge of any such county, signed by at least 100 qualified property taxpaying voters resid-

ing therein, asking for an election to be ordered for the purpose of determining whether or not a countywide vocational school tax shall be levied, assessed, and collected on taxable property within that county for the support of area vocational school program(s) so designated by the Texas Central Education Agency pursuant to a state plan for vocational education, and operated by local school district(s) in that county, not exceeding 20 cents on the \$100 of assessed valuation of taxable property, it shall be the duty of the county judge immediately to order an election to be held throughout the county to determine said question. The finding of the county judge that such petition is sufficient and signed by the number of taxpaying voters required by this law shall be conclusive.

(b) The county judge shall give notice of the election by publication of the election order in a newspaper of general circulation in said county once a week for at least two weeks, the date of the first publication to be not less than 20 days, prior to the date fixed for holding said election. Further notice shall be given by the posting of a copy of said election order within the boundaries of each school district having territory in the county, and one copy of the notice shall be posted at county courthouse door, posted at least 20 days prior to the date fixed for the election.

(c) The ballots for such election shall be printed to provide for voting for or against:

"Countywide vocational school tax."

(d) Except as otherwise provided in this chapter, the manner of holding the election shall be controlled by the general laws of the state, and only legally qualified property taxpaying voters residing in the county who own taxable property in such county and who have duly rendered the same for taxation shall be qualified to vote at such election. The election shall be held at the regular polling places within the county with duly appointed election officers holding the election. The officers holding the election shall make returns thereof to the county judge within five days after the same is held.

(e) All expenses for the election shall be paid from the general fund of the county.

**§ 28.04. Canvass of Returns; Authority to Levy and Assess Tax; Revocation of Tax**

(a) The commissioners court shall, within 10 days after holding the election, make a canvass of the results of said election. If a majority of the votes cast shall favor such tax, the court shall declare the results which shall be recorded in the minutes of the commissioners court, and certify same to the county tax assessor-collector. The commissioners court shall be authorized to levy said tax and the county tax assessor-collector shall be authorized to assess and collect the same.

(b) No election to revoke the tax shall be ordered until the expiration of three years from the date of the election at which the tax was adopted.

**§ 28.05. Annual Levy and Collection of Tax; Deposit of Funds**

(a) It shall be the duty of the commissioners court, after such tax shall have been voted, at the time other taxes are levied in the county, annually to levy a tax under this law of not to exceed 20 cents on the \$100 valuation in the county at the same rate of valuation as is assessed for state and county purposes. Such taxes shall be assessed by the tax assessor and collected by the tax collector as other taxes are assessed and collected.

(b) The county tax assessor-collector shall deposit the money as collected from said tax to a separate fund in the county depository to be known as the county vocational school district fund, to be allocated and distributed for the support of area vocational school programs operated by designated school district or districts in the county. He shall have the same authority and the same laws shall apply as in the collection of other county ad valorem tax.

#### **§ 28.06. Duties of Commissioners Court**

As soon as the commissioners court of said county shall determine the total of assessed value of taxable property, which value shall be the same as those fixed by it as the board of equalization for state and county purposes, it shall

(1) determine the estimated total receipts from the levying and collecting of said tax of not exceeding 20 cents on the property in such countywide district according to such valuation;

(2) determine the estimated amount of money apportionable for the ensuing school year to school district or districts under the jurisdiction of the county, which operate designated area vocational school(s), on the formula basis hereinafter prescribed; and

(3) transmit a copy of the order fixing the estimated proportioned amount available, to the president of the board of trustees of each such designated school district of districts eligible therefor.

#### **§ 28.07. Apportionment of Money; Formula Basis**

The money collected from any taxes levied by the commissioners court under this chapter shall be distributed to such designated eligible school district(s) in the county to be apportioned on the following formula basis: The combined average daily membership (ADM) of students in vocational programs of designated area vocational school(s) as determined for the preceding school year divided into the average daily memberships in vocational programs of each such area vocational school; except that for the first year of operation the apportionment will be upon average daily membership (ADM) in grades 9 through 12 inclusive, determined for the preceding year, in all of the school districts operating designated area vocational school programs.

#### **§ 28.08. Monthly Settlements With Eligible Independent School Districts**

The tax collector of the county shall make monthly settlements of taxes collected with the independent school districts eligible therefor and situated in such county. Money shall be received and held by the independent school districts and protected in accordance with the existing depository laws. The tax collector shall place to the credit of the common or other school districts using the county depository such money as is apportioned to them.

#### **§ 28.09. Alteration or Enlargement of Duties and Powers of Commissioners Court**

Until and unless a countywide vocational school tax has been authorized by an election held in such county, the duties and powers of the commissioners court shall not be considered as having been changed, altered, or enlarged by this chapter.

**§ 28.10. Eligibility to Attend School District Operating Vocational School Program; Tuition Average Daily Attendance**

(a) Irrespective of whether a countywide school district tax has been voted: Any resident of the countywide vocational school district who shall have attained the age of 14 years prior to September 1 shall be considered eligible to attend a school district in his county designated as operating an area vocational school program, provided he is accepted by such district as qualifying under its entrance requirements.

(b) No tuition shall be charged any such eligible resident of the county enrolled in the area vocational school program, if the county has voted and collects a countywide tax to support such program.

(c) Any pupil under 21 years of age on September 1 and who has not completed the 12th grade shall be eligible to be counted in average daily attendance (ADA) for foundation school program purposes by the designated area school district in accordance with policies of the Central Education Agency. However, where such a pupil attends school in his home district a part of a day and attends part of a day in vocational class(es) offered only in a designated area vocational school district, his ADA shall be counted by each district in approximate proportion to the time of attendance in each district, determinable under regulations of the Agency; his state per capita, if any, to remain with the home district.

(d) Any eligible child residing in a school district which is under agreement with a neighboring school district designated to operate and accept such in its area vocational school program shall, on timely application of his parents for enrollment in the vocational program, be received by the designated area district free of tuition without the necessity of a formal transfer, any existing law to the contrary notwithstanding.

(e) Any eligible child residing in a school district which is not listed under any agreement with a school district designated to operate and accept such in its area vocational school program may, on timely application of his parents for enrollment in its vocational program, be received by a designated area district in his county or in an adjoining county if there is none in his county, on such terms as the receiving district may deem just and proper, without the necessity of a formal transfer, any existing law to the contrary notwithstanding.

(f) Upon certification of the acceptance and vocational program enrollment of such children from one district to another, by the superintendent of the receiving district, the State Department of Education shall adjust its records to pay over directly the state per capita apportionment to the respective district in which such children are received and educated.

**§ 28.11. Changing Duties or Powers of School District Trustees**

(a) This chapter shall not have the effect of changing any duties imposed or powers conferred on the trustees of any school district of this state except as expressly provided herein; it being the intention of this law that said respective boards of trustees shall continue to administer their lawful duties and powers as now authorized by law, that the countywide vocational school tax herein authorized, if voted, shall be levied by the commissioners court and assessed and collected by the county tax assessor-collector to be distributed and used for the purpose expressed in this chapter.

(b) This law shall not affect the right and duty of the respective local school districts of the counties to levy, assess, and collect local maintenance and/or bond taxes authorized for local school district purposes by the property taxpayers in said respective districts.

**CHAPTER 51. PUBLIC JUNIOR COLLEGES****SUBCHAPTER A. GENERAL PROVISIONS****Section**

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- 51.003. State Appropriation for Public Junior Colleges.
- 51.004. Authorized Types of Public Junior Colleges.

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**SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE**

- 51.011. Establishment of Independent School District or City Junior College.
- 51.012. Petition to Establish.
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- 51.014. Election.
- 51.015. Control of Independent School District or City Junior College.
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- 51.018. Separate Board of Trustees—Terms, Etc.

[Sections 51.019–51.030 reserved for expansion]

**SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES**

- 51.031. Establishment of Union, County, or Joint-County Junior College.
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- 51.041. Election of Trustees of Union, County, and Joint-County Junior College.
- 51.042. Original Board.
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[Sections 51.044–51.060 reserved for expansion]

**SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES**

**Section**

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[Sections 51.069–51.070 reserved for expansion]

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- 51.088. Rules of Procedure; Quorum; Seal; Suits.
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- 51.101. Tax Assessment, Equalization, and Collection.
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**SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION  
OF DISTRICTS**

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**SUBCHAPTER A. GENERAL PROVISIONS****Section 51.001. Supervision by Coordinating Board, Texas College and University System**

(a) The Coordinating Board, Texas College and University System, referred to as the coordinating board, shall exercise general control of the public junior colleges of Texas.

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the coordinating board with respect to public junior colleges.

**§ 51.002. Duties of Commissioner of Higher Education**

(a) The commissioner of higher education shall be responsible for carrying out the policies and enforcing the rules and regulations adopted by the coordinating board. He shall have the duty also to:

(1) file with the state auditor and the state comptroller of public accounts on or before October 1 of each year which have complied

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with the standards, rules, and regulations as prescribed by the coordinating board.

(2) certify the names of those public junior colleges as prescribed by the coordinating board.

(b) All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable.

**§ 51.003. State Appropriation for Public Junior Colleges**

(a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated on a basis and in a manner provided in Subsection (b).

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 51.002(a)(2) of this code;

(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education; and

(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code.

(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes.

(d) Only those colleges which have been certified as prescribed in Section 51.002(a)(2) of this code shall be eligible for and may receive any appropriation made by the legislature to public junior colleges.

**§ 51.004. Authorized Types of Public Junior Colleges**

(a) By complying with the provisions of the appropriate following sections of this chapter a public junior college and/or district of any one of the following classifications may be established:

(1) an independent school district junior college;

(2) a city junior college;

(3) a union junior college;

(4) a county junior college;

(5) a joint-county junior college; and

(6) a public junior college as a part or division of a regional college district.

(b) As used in this chapter, the two general authorized types of junior colleges are:

(1) public junior colleges, which must consist of freshman and sophomore college work taught separately or in conjunction with the



junior and senior years of high school and the course of study of such work must be submitted to and approved before being offered by the Coordinating Board, Texas College and University System; and

(2) a junior college division of a regional college, as that type of institution is defined in Subchapter F of this chapter, which operates under the laws applicable to public junior colleges in Texas.

(c) All junior college districts, whether established, organized, and/or created, or attempted to be established, organized, and/or created, by vote of the people residing in those districts, or by action of the county school boards, or by action of the county judge, or by action of the commissioners courts, or by action of state educational officers or agencies, or by a combination of any two or more of the same, which districts have previously been recognized by either state or county authorities as junior college districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. Without in any way limiting the generalization of the provisions above,

(1) all additions of territory to or detachments of territory from such junior college districts are hereby in all things validated, whether the same were accomplished or attempted to be accomplished by action of the county school boards, or by action of the county judge, or by action of the commissioners court, or by action of state educational officers or agencies, or by vote of the people residing in such territory, or by a combination of any two or more of the same;

(2) the boundary lines of all such junior college districts are hereby in all things validated; and

(3) all acts of the governing boards of such junior college districts ordering an election or elections, declaring the results of such elections, levying, attempting, or purporting to levy taxes for and on behalf of such districts, and all bonds issued and now outstanding, and all bonds previously voted but not issued, and all tax elections, bond elections, and bond assumption elections are hereby in all things validated; all revenue bonds issued and outstanding and all revenue bonds authorized but not yet issued for and on behalf of such districts are hereby in all things validated.

(d) Subsection (c) of this section shall not apply to any district which has previously been declared invalid by a court of competent jurisdiction of Texas, nor shall it apply to any district which is now involved in litigation in any district court of Texas, the court of civil appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such districts is attacked, or to any district involved in proceedings now pending before the coordinating board in which proceedings the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such district is attacked.

[Sections 51.005–51.010 reserved for expansion]

**SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY  
JUNIOR COLLEGE**

**§ 51.011. Establishment of Independent School District or City Junior College**

(a) An independent school district junior college may be established in either of the following types of units:

(1) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of not less than \$12,000,000 or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

(2) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of \$20,000,000 or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.

(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district.

**§ 51.012. Petition to Establish**

Whenever it is proposed to establish a junior college district in any type of unit authorized by Section 51.011 of this code, a petition praying for an election, signed by not less than five percent of the qualified tax-paying electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

(1) pass upon the legality and genuineness of the petition; and

(2) forward the petition, if approved, to the coordinating board.

**§ 51.013. Order to Establish**

It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set forth in Sections 51.011 and 51.012 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment.

**§ 51.014. Election**

(a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory within a time not less than 20 days and not more than 30 days after such order is issued, to determine whether or not such junior college district shall be created and formed. Such order shall:

(1) contain a description of the metes and bounds of the junior college district to be formed; and

(2) fix the date for the election.

(b) If a majority of the votes cast by the qualified property taxpaying electors of the district at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding the election; and enter an order on the minutes of the board as to the result of the election.

**§ 51.015. Control of Independent School District or City Junior College**

A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of the board of trustees of that independent or city school district.

**§ 51.016. Separate Board of Trustees in Certain Instances**

A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of a separate board of trustees, which may be placed in authority by either of the following procedures:

(1) the board of trustees of an independent school district or city school district which has the management, control, and operation of a junior college may divest itself of the management, control, and operation of that junior college so maintained and operated by the school board by appointing for the junior college district a separate board of trustees of nine members; or

(2) the board of trustees of any independent school district or city school district which has the control and management of a junior college may be divested of its control and management of that junior college by the procedure prescribed in Section 51.017 of this code.

**§ 51.017. Petition to Divest School Board of Authority**

(a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees shall call an election within 30 days after the petition has been duly presented for the purpose of determining whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior college district, the board of trustees shall, within 30 days after the official

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canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district.

**§ 51.018. Separate Board of Trustees—Terms, Etc.**

(a)<sup>1</sup> In the event a separate board of trustees for the junior college district is appointed under either procedure set out in Section 51.016 or Section 51.017, the board of trustees, consisting of nine members, shall be organized and constituted pursuant to the provisions of Section 51.072 of this code, and be governed by the provisions thereof.

1. There is no paragraph (b) in the enrolled bill.

[Sections 51.019–51.030 reserved for expansion]

**SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES**

**§ 51.031. Establishment of Union, County, or Joint-County Junior College**

The following types of junior colleges may be established in the following units:

(1) a union junior college district may be established by two or more contiguous independent school districts or two or more contiguous common school districts or a combination composed of one or more independent school districts with one or more common school districts of contiguous territory meeting the requirements set out in Section 51.032 of this code;

(2) a county junior college district may be established by any county meeting the requirements set out in Section 51.032 of this code; and

(3) a joint-county junior college district may be established by any combination of contiguous counties in the state meeting the requirements set out in Section 51.032 of this code.

**§ 51.032. Restrictions**

In order for any territorial unit set out in Section 51.031 of this code to establish the applicable type of junior college, the proposed district must have:

(1) a taxable property valuation of not less than \$9,500,000 in the next preceding year;

(2) not less than 400 students in grades 9 through 12 within the proposed territory during the next preceding school year; and

(3) a total scholastic population of not less than 7,000 in the next preceding school year, provided:

(A) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that the junior college is necessary and would be a public convenience, the proposed district may have less than 7,000 scholastic enrollment but not less than 5,000 in the next preceding school year; or

(B) for counties having a population of not less than 20,000 nor more than 30,000 inhabitants according to the last preceding federal census and having either an existing junior college which has been created, operated, and maintained for at least 25

years, or a taxable property evaluation of \$100,000,000 or more, the coordinating board may waive the scholastic enrollment requirement of this section, but in no case shall a proposed district qualify with less than 4,500 scholastics.

**§ 51.033. Petition to Establish**

(a) Whenever it is proposed to establish a junior college of any type specified in Section 51.031 of this code a petition praying for an election therefor shall be presented in the applicable manner as prescribed in Subsections (b)–(d) of this section.

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

**§ 51.034. Tax Levy**

Any petition authorized by Section 51.033 of this code may also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 51.102 of this code.

**§ 51.035. Legality of Petition**

It shall be the duty of the county school board or boards or the commissioners court or courts petitioned in compliance with Section 51.033 of this code to:

(1) pass upon the legality of the petition and the genuineness of the same; and

(2) forward the petition, so approved, to the Coordinating Board, Texas College and University System.

**§ 51.036. Order to Establish**

It shall be the duty of the coordinating board, with the advice of the commissioners of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior

college district. It shall be the duty of the coordinating board in making its decision to consider the needs approving of the state, the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district.

**§ 51.037. Calling Election; Submission of Questions**

If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory within a period of not less than 20 days and not more than 30 days after the order is issued, to determine whether or not such junior college district shall be created and formed; and in the event the petition for the creation of the junior college is accompanied by a request to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, then the election order shall also submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 51.092(b). The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election.

**§ 51.038. Election**

A majority of the qualified voters in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order and the election of the original trustees. If the order also submits questions of and issuing bonds and levying taxes, a majority of the resident, qualified electors of the proposed district, who own taxable property therein and who have duly rendered the same for taxation, voting in such election, shall determine such question submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district.

**§ 51.039. Election Returns, Canvass, and Result**

(a) The commissioners court or courts within 10 days after holding of an election shall make a canvass of the returns and declare the results of the election.

(b) The court or courts shall enter an order on the minutes of the court or courts as to the results.

**§ 51.040. Board of Trustees: Union, County, or Joint-County Junior College**

A union junior college, a county junior college, or a joint-county junior college shall be governed, administered, and controlled by and under the direction of a board of trustees of seven members.

**§ 51.041. Election of Trustees of Union, County, and Joint-County Junior College**

The original trustees of a union or a county junior college shall be elected at large from the junior college district by the qualified voters of

the district under the rules and regulations provided for in Section 51.042 of this code.

**§ 51.042. Original Board**

(a) The original trustees shall be elected at the same election at which the creation of the district is determined.

(b) Any candidate desiring to be voted upon as a first trustee shall present a petition to the commissioners court or courts within three days before the order authorizing the election is issued by the commissioners court or courts, and shall accompany his petition with a petition signed by not less than two percent of the qualified voters in the district, requesting that his name be placed on the ticket as a candidate for trustee.

(c) The seven candidates for junior college trustee receiving the highest number of votes at the election shall be declared trustees of the district.

**§ 51.043. Organization**

After the election of the original trustees, the board of trustees shall be organized and constituted, pursuant to the provisions of Section 51.072 of this code and be governed by the provisions thereof.

[Sections 51.044–51.060 reserved for expansion]

**SUBCHAPTER D. ENLARGED DISTRICTS**

**§ 51.061. Extension of Boundaries of a Junior College District Coextensive With an Independent School District**

The district boundaries of an independent school district junior college shall automatically be extended so that the boundary lines of the two districts, independent school district and junior college district, shall remain identical when:

- (1) the junior college district was created with the same boundary lines as an independent school district;
- (2) the boundaries of the independent school district are extended by consolidation, attachment of territory, or otherwise; and
- (3) the board of trustees of the independent school district is also the governing board of the junior college.

**§ 51.062. Enlarged District: Creation; Resolution; Order**

(a) If the creation of the junior college district and the extension of the boundaries of the independent school district both occurred prior to March 17, 1950, the added territory of the independent school district may be brought into the junior college district in the manner prescribed by this section.

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the qualified property taxpaying voters of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, based upon the latest approved tax rolls of the independent school district, and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added territory, the board shall pass an order admitting such territory. The order

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shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes.

**§ 51.063. Extension of Junior College District Boundaries for Junior College Purposes Only**

Territory consisting of school districts or parts of school districts adjoining or lying adjacent to any junior college district may be annexed to the junior college district for junior college purposes only, by either contract or election.

**§ 51.064. Annexation by Contract**

If the annexation is by contract, a petition shall be presented to the governing board of any junior college district, executed by all property owners of all property situated in the territory proposed for annexation. The petition shall contain a legally sufficient description of the territory proposed for annexation. The governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may effect the annexation by:

- (1) entering its order authorizing the annexation of the territory by contract; and
- (2) then entering into a written agreement duly executed and acknowledged by all persons, corporations, and entities owning property within the territory.

**§ 51.065. Annexation by Election**

(a) If the annexation is by election, a petition signed by five percent of the property taxpaying electors in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

(b) The petition shall contain a legally sufficient description of the territory proposed for annexation, and shall be accompanied by a certified copy of an order by the governing board of the junior college district affected approving the proposed annexation of the territory to the junior college district for junior college purposes only.

(c) The county school board, or the commissioners court, shall issue an order for an election to be held in the territory proposed for annexation, not less than 20 nor more than 30 days from the date of the order, and shall give notice of the date of the election by posting notices of such election in three public places within the territory proposed for annexation.

(d) Only those legally qualified electors residing in the territory proposed for annexation shall be permitted to vote.

(e) The county school board, or the commissioners court shall canvass the returns at a meeting held not more than five days after the election. If the votes cast in the election show a majority in favor of annexation, the territory shall be declared annexed to the junior college district for junior college purposes only.

(f) The county school board or commissioners court shall cause a certified copy of the order to be transmitted to the governing board of the junior college district.



(g) At the next regular or special meeting of the governing board of the junior college district, the board shall, in the event of annexation by election, enter its order concurring in the order of the county school board or the commissioners court and shall enter an order redefining the boundary lines of the junior college district as enlarged and extended, and shall cause the order to be recorded on the minutes of the board of the junior college district.

**§ 51.066. Annexation of County-Line Districts for Junior College Purposes**

(a) Parts of county-line school districts may be annexed to adjacent county or joint-county junior college districts for junior college purposes only, as provided in this section.

(b) The county or joint-county junior college district as originally created and organized must have included in its boundaries a part of a county-line school district, and the part of the county-line school district to be annexed is not included in any other junior college district.

(c) The county or joint-county junior college districts to which this section is applicable are those where the junior college district as originally created and organized had the same boundaries as a county or as a group of contiguous counties and included all of the territory in a county or group of counties and did not include a part of any county without including the entire territory of such county in such junior college district.

(d) A "county-line school district" as used in this section is any type of public school district created or organized under general or special laws of Texas, which includes within its boundaries territory that extends into or is located in two or more counties of Texas.

**§ 51.067. Annexation of Non-Included Parts of Counties**

(a) The non-included portion or portions of such county-line districts may be annexed to the county or joint-county junior college district by either of two methods as provided by Subsections (b) and (c) of this section.

(b) On the petition of 20 or a majority of the legally qualified voters residing in that part of a county-line district not a part of a junior college district as described in Section 51.066 of this code praying for the annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, the county judge of that county which has jurisdiction of the county-line school district shall issue an order for an election to be held in the non-included portion of the county-line school district praying to be annexed to the county or joint-county junior college district. The county judge shall give notice of the date of the election by posting notices at three public places in the part of the county-line school district wherein the election is to be held. Only those legally qualified voters residing in that part of the county-line school district shall be permitted to vote. The commissioners court shall at its next meeting canvass the returns of the election, and if the votes cast in the election show a majority in favor of annexation, then the court shall declare that part of the county-line school district annexed to the junior college district for junior college purposes only. The court shall cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory, and each court shall make orders concur-

ring in the order and shall cause them to be entered on the minutes of each commissioners court.

(c) Where a petition, signed by a majority of the legally qualified voters residing in that part of a county-line school district praying for annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, is presented to the county judge of that county which has jurisdiction of the county-line school district together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only; instead of ordering an election to be held as provided in Subsection (b) of this section, the county judge shall certify the filing of the petition and order to the commissioners court. The court at its next meeting shall pass an order declaring such non-included part of the county-line school district annexed to the junior college district for junior college purposes only and cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory. Each such court shall make orders concurring in the order and cause same to be entered on the minutes of each commissioners court.

**§ 51.068. Disannexation of Overlapped Territory**

(a) All junior college districts whose boundaries have or may hereafter become established so that they include territory which prior to such establishment lay, and shall continue to lie, within the boundaries of another junior college district shall have the power to disannex such overlapped territory.

(b) Upon certification by the governing board of such a junior college district to the county board of school trustees of the county in which its college is located that such an overlapping condition exists, the county board may by resolution disannex the overlapped territory from the district, describing such territory by metes and bounds.

[Sections 51.069–51.070 reserved for expansion]

**SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR  
COLLEGE DISTRICTS**

**§ 51.071. Governing Board of Junior College of Independent School District**

In each junior college district which is controlled and managed by, and under the jurisdiction of, the governing board of an independent school district or a city school district, such governing board shall be constituted and chosen in accordance with the laws of this state applicable to the governing board of such independent school district or city school district.

**§ 51.072. Governing Board of Junior College of Other Than Independent School District**

(a) The governing boards of all junior college districts except those as described in Section 51.071 of this code shall be constituted and chosen as described in the provisions of this section.

(b) The official name of the governing board of the junior college district shall be the board of trustees.

(c) The official name of a junior college district shall be the "\_\_\_\_\_ Junior College District" and the board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the aforesaid blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board, Texas College and University System, and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name. The name of any junior college district existing on the effective date of this code shall remain the same until and unless it is changed pursuant hereto, and no other district shall use the name of any such existing district.

(d) The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of this code or on the date of the creation of a new district or a new board. Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Subsection (e) of this section. Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by appointment by resolution or order of the board, and any person so appointed shall serve until the expiration of the term of office for which the vacating member of the board had been elected or appointed. Each member of the board shall be a resident, qualified voter of the district and shall take the proper oath of office before taking up the duties thereof. Members of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. The board shall elect one of its members as president of the board, and the president shall preside at meetings of said board and perform such other duties and functions as are prescribed by the board. The president of the board shall have a vote the same as the other members. The board shall elect a secretary of the board who may or may not be a member of the board, and who shall be the official custodian of the minutes, books, records, and seal of said board, and who shall perform such other duties and functions as are prescribed by the board. The board shall be authorized to elect any other officers as deemed necessary or advisable. Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy. Said board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a president, dean or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the junior college. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

(e) The basic term of office of a member of the board shall be six years, and one-third of the members of the board shall be elected at large

in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. The members of each board in office at the effective date of this act, and all subsequent members of the board, shall remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board shall, in effect, be lengthened by one year so as to comply with the foregoing provisions of this act. Upon the creation of a new board, or in any other situation where necessary, the members of the board shall choose by lot the terms for which they shall serve, so as to comply with the foregoing provisions. If a board is increased from seven to nine members, one of the members shall be appointed to serve until the first election at which two members otherwise would have been elected, and the other shall be appointed to serve until the second election at which two members otherwise would have been elected, and three members shall be elected for six-year terms at each election.

(f) Members of a board shall be elected at large from each junior college district at regular elections to be called and held by the board for such purpose, at the expense of the district, on the first Saturday in April in each even-numbered year. Said elections shall be held in accordance with the Texas Election Code except as hereinafter provided, and all resident, qualified electors of the district shall be permitted to vote. Each such election shall be called by resolution or order of the board, and notice of each such election shall be given by publishing an appropriate notice, in a newspaper of general circulation in the district, at least 10 days prior to the date of the election, setting forth the date of the election, the polling place or places, the numbers of the positions to be filled, the candidates for each position, and any other matters deemed necessary or advisable.

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing with the secretary of the board a written application therefor signed by the applicant, not

less than 30 nor more than 60 days prior to the date of the election. Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be chosen by lot by the board. A candidate shall be eligible to run for only one position at each election.

(h) Notwithstanding anything in this code to the contrary, the provisions of all or any part of the laws of this state in effect immediately prior to the effective date of this act and relating to the name of any junior college district or the name of its governing board, or to the number of members of its governing board, or the procedures and times of electing or choosing said members, shall remain in effect under the following conditions. If, at any time before the effective date of this act (but not thereafter), the governing board of any junior college district shall specify by resolution or order the particular provisions of the aforesaid laws applicable to it which it desires to remain in effect, then such particular provisions shall continue to apply to said board and its district; provided that at any time thereafter the governing board may make this section in its entirety applicable to it and its district by appropriate resolution or order, and thereby permanently cancel the effect of the aforesaid particular provisions of other laws. All resolutions and orders permitted by this section shall be filed immediately with the Coordinating Board, Texas College and University System.

#### § 51.073. Powers and Duties

The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable.

[Sections 51.074–51.080 reserved for expansion]

### SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

#### § 51.081. Creation and Regulation of Regional College Districts

(a) A regional college district may be established according to the method outlined herein by a county which contains a public junior college district, or by a combination of counties if one of such counties contains a public junior college district, and if the county seat of said county, or if the proposed regional college district is composed of a combination of counties, the respective county seats of such counties, is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, provided that the assessed property valuation of the proposed regional college district, for state and county purposes according to the most recent tax rolls is at least \$52,000,000 and that the scholastic population of such proposed district is not less than 20,000 scholastics according to the most recent scholastic census thereof, as approved by the appropriate state authority, and provided that the population of such county containing a public junior college district is not less than 80,000 according to the last preceding federal census.

(b) Any college created under the authority of this subchapter shall be subject to all provisions of Chapter 487, Acts of the 54th Legislature,

Regular Session, 1955, as amended by Chapter 488, Acts of the 56th Legislature, 1959, as amended by Chapter 12, Acts of the 59th Legislature, Regular Session, 1965 (codified as Article 2919e—2, Vernon's Texas Civil Statutes), and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college of any grade or level created hereunder shall begin courses of instruction, such date to be determined only if a feasibility study by the Coordinating Board, Texas College and University System, shall establish a need for any such college.

**§ 51.082. Petition for Election**

Whenever it is proposed to establish a regional college district, a petition signed by not fewer than 100 of the qualified property taxpaying voters of said public junior college district and not fewer than 100 of the qualified property taxpaying voters of each of the counties in the territory of such proposed regional college district shall be addressed and presented to the commissioners court of the county or the commissioners courts of the respective counties of such proposed regional college district, praying that an election shall be held upon a stated date in such county or counties which date shall be not less than 30 nor more than 60 days after the date of such petitions for the purpose of determining whether or not such a regional college district shall be formed and such regional college shall be established and whether or not such junior college district shall be merged into said regional college district and whether or not such regional college district shall assume the bonded indebtedness of such junior college district and whether or not such proposed district shall have the power to levy taxes for the payment of such bonded indebtedness and for the maintenance and operation of said regional college and for providing buildings and facilities therefor, all of which questions shall be submitted as parts of one proposition to be printed on the ballots at such election. The signatures for such petition shall be segregated according to the county in which the signers reside and the signatures of the petitioners residing in such public junior college district shall also be segregated, under appropriate headings indicating the county or district of residence. Such petition may be in two or more counterparts according to the number of counties proposed to be included in such regional college district and respective counterparts of said petition may be filed with and presented to the commissioners courts of said respective counties. The name of such proposed regional college district shall be set forth in said petition and shall include therein the words "regional college district."

**§ 51.083. Election**

It shall be the duty of the said commissioners court or courts of said county or respective counties, promptly after receiving said petition or petitions to order an election to be held throughout their respective county or counties on the date fixed in said petition, and said order shall designate the polling places for said election in said county or counties and appoint officers thereof and provide the supplies therefor and shall set forth the name of such proposed district. The election precincts for said election shall conform as nearly as practicable to the regular election precincts of said county or respective counties, but the election precincts within the boundaries of such public junior college district shall not embrace any territory outside of said public junior college district. Each

such commissioners court shall give notice of said election in its county by causing such notice to be published once each week for two alternate weeks before said election in some newspaper having general circulation in said county, the first publication being at least 21 days before said election. If there be no newspaper published having general circulation in such county, the notice of the election to be held in said county shall be published in some newspaper published outside of said county having general circulation in said county and such notice shall also be posted in a public place in each of the commissioner's precincts of said county, one of which shall be at the courthouse door of said county. If a regular session of any such commissioners court is not to be held in time to order such election and give such notice thereof, it shall be the duty of the county judge of such county, upon petition being called to his attention to timely call a special session of such court for this purpose.

The proposition to be submitted at said election in each county, and to be printed on the ballots therefor, shall be as follows:

"FOR the college merger, assumption of bonded indebtedness thereof, and for the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and for providing buildings and facilities therefor."

"AGAINST the college merger, assumption of bonded indebtedness thereof, and the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and providing buildings and facilities therefor."

Only qualified electors who own taxable property in the county in which they offer to vote and who have duly rendered their property for taxation shall be permitted to vote at said election.

Except as otherwise herein provided, such election in each county shall be conducted in accordance with the general election laws of the state.

#### § 51.084. Canvass of Returns and Declaration of Result; Effect of Vote

Such commissioners court or courts, as the case may be, shall within 10 days after holding such election, make a canvass of the returns and declare the results of the election. If a majority of those voting at said election within the boundaries of such public junior college district, and a majority of those voting at said election in each of such counties, vote for the proposition submitted, the merger of such public junior college district into and with such regional college district, and the assumption by such regional college district of the bonded indebtedness of such public junior college district shall be deemed to have been effected, and a regional college shall be established in such regional college district, conformably to the further provisions hereof, but the failure of the proposition submitted in any county not containing a public junior college district shall in nowise affect the formation of the proposed regional college district in any other county in which such election is held wherein a majority of the qualified property taxpaying voters voting in such election in such county vote for the proposition submitted in the election order; provided, that a majority of the qualified property taxpaying voters voting in such election in the public junior college district and in the county in which such public junior college district is located, vote for the proposition submitted in the election order. If the regional college district is not created by virtue of such election, another election for such purpose may be held in said proposed regional college district, or portion thereof

containing a public junior college district, not less than one year from the date of such previous election, provided it be initiated by the same procedure above prescribed for the first election.

**§ 51.085. Board of Regents**

(a) If the merger herein provided for is effected by said election or any subsequent election held for said purposes, under the further provisions hereof, such regional college district shall thereafter be governed by a board of regents, constituted as herein provided. Said board of regents shall be made up in part of one regent at large, from each of the counties approving participation in the regional college district. In addition, there shall be one regent from each county for each 15,000 scholastics of the respective counties or a major fraction thereof, as determined by the proper state authority and provided further in addition there shall be one regent from each county for each \$50,000,000 of assessed property valuation, or major fraction thereof, as determined by the county tax assessor-collector of each approving county of said district. The first regents, constituting said board of regents, from each of such counties, shall be appointed by the commissioners court of said respective counties except as modified herein and shall be made within 30 days after the election at which said merger shall have been effected; however, in the event that only the county containing the junior college votes favorably for the proposed regional senior college district, the board of regents of the junior college district may decide:

(1) whether to activate the regional college district or

(2) whether to continue the present junior college district and in the event that the decision is to activate the regional college district, the present junior college board will continue as the board of regents for the regional college and shall operate under all present and future junior college statutes as pertaining to junior colleges; that is to say, that in the event that more than one county votes to participate in the regional college, the board of regents shall be constituted as follows:

(A) one regent at large from each approving county;

(B) one regent from each approving county for each 15,000 scholastics or major fraction thereof; and

(C) one regent from each approving county for each \$50,000,000 assessed property evaluation or major fraction thereof; and further the first regents, constituting said board of regents, shall be appointed as follows:

(1) from the original junior college district, the board of regents of the junior college district shall appoint the members of the board from that county,

(2) from each of the several counties, the commissioners court shall appoint the members of the board of regents from that county. All appointments shall be made within 30 days from the date of the election. Each and every regent shall take the oath of office as prescribed for junior college board members.

(b) The board of regents thus appointed shall first meet within 21 days of the time the members are appointed at a time and place appointed by the then president of the board of regents of the junior college district and shall proceed to organize by electing from its members a president, a vice president, a secretary and an assistant secretary from members of the board. At the first meeting of said board of regents, the regents from each county shall draw lots for terms of office. The appoint-



ed regents from each county shall elect one of its members to draw for terms and all regents from the county drawing the lowest number shall serve a term of two years; all regents from the county drawing the second lowest number shall serve four years; all regents from the county drawing the third lowest number shall serve six years. In case there are more than three counties, there shall be two lowest lots; then two next lowest lots, etc.; that is to say that no board member shall serve longer than six years and all regents from any one county shall have the same term. If only the county in which the junior college is located forms the senior college district, the terms of office shall remain the same as under the statute under which the junior college district presently operates. The board of regents shall cause a permanent record to be made and preserved of the term of office of each appointed regent determined by lot as herein provided. At the expiration of the terms of office of each regent, a successor shall be elected at elections held within the respective counties at large, at the same time and in the same manner as is now presently prescribed for the existing junior college district, provided that such elections shall be called and conducted in the manner presently prescribed for junior colleges. Costs of such regent election shall be paid for from college funds. The returns of such board elections shall be canvassed and certified by the board of regents as is now presently prescribed for junior colleges. All provisions hereof with reference to elections of regents in counties originally constituting said regional college district shall extend and apply to election of regents in entire counties that may hereafter be annexed to said college district under the further provisions hereof.

**§ 51.086. Property, Funds and Resources of Junior College District; Contracts**

Upon the merger of said public junior college district into and with the regional college district, all property, funds and resources of the public junior college district are authorized and shall pass to and belong to said regional college district, and all contracts of such public junior college district shall extend to and be binding upon such regional college district; provided that the management and control of the property and affairs of the public junior college district shall continue in the board of trustees of such public junior college district until the appointment and organization of the board of regents of the regional college district, at which time the board of trustees of said public junior college district shall turn over all records, property and affairs of the said public junior college district to the board of regents of said regional college district and shall cease to exist as a junior college board of trustees.

**§ 51.087. Assessed Tax Values and Scholastic Census; Number of Regents; Conduct of Election; Vacancies; Organization of Board; Meetings; Office**

The amount of assessed tax values of said counties, for the purposes herein provided, shall be determined in the first instance, and from time to time, according to the most recent figures available, by the county tax assessor-collector of each approving county in the district. Such assessed tax values for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the county tax-assessor-collector of said county or respective counties. Such determination shall

## § 51.087

thereafter be made and certified before each biennial election of regents, by the board of regents. The number of scholastics of each of said counties, for the purposes herein provided, shall be determined in the first instance and from time to time, according to the most recent scholastic census of each of said respective counties, as approved by the state agency then authorized to approve such census. Such scholastic census of said respective counties for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the superintendent of schools of the prospective independent school districts located in the respective counties. Such determination shall thereafter be made and certified before each biennial election of regents at large, by the board of regents. All elections herein provided for shall be conducted according to the general election laws of the State of Texas, except as herein otherwise provided. All vacancies occurring in the board of regents shall be filled by appointment by the board of regents. After each election of regents the board of regents shall organize as herein provided. The board of regents shall select and maintain a regular office for their meetings and the transaction of their business, at such place as they determine, and shall hold regular meetings at such times as may be provided in the rules or bylaws of said board of regents, and may hold special meetings at the call of the president of the board.

## § 51.088. Rules of Procedure; Quorum; Seal; Suits

(a) The board of regents may adopt its own rules of procedure, but a majority of said regents shall constitute a quorum, and a majority of those in attendance may transact any business.

(b) The board of regents of such regional college district shall adopt an official seal for the district, and said district may sue and be sued in its name. In any suit against said district, process may be served on the president or vice-president.

## § 51.089. Compensation and Expenses of Board

The board of regents of such regional college district may authorize the payment of a per diem of not to exceed \$10 to each member of such board of regents in attendance at a regular or special meeting of such board of regents. In addition, members of said board of regents may be allowed such actual expenses as may be incurred by them in performing their duties as may be authorized and allowed by the board of regents, provided, that per diem payments may not be made in addition to payments for actual expenses.

## § 51.090. Powers of Board

The said board of regents shall have all the power and duties in respect of the business and affairs of the regional college district as provided by law in respect of the board of trustees of junior college districts, and such other powers as herein provided and as may be hereafter provided by law.

## § 51.091. Annexation of Contiguous County or Independent Districts

(a) The entire area of any county located in Texas, the county seat of which is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, or the area of any one or more in-

dependent school districts of a county in Texas who meets the requirements above, may be annexed to, and assume its pro rata part of the bonded indebtedness of said regional college district, in the manner herein provided. A petition of 100 of the property taxpaying voters of any such county or of any such independent school district, proposing that the entire area of such county, or of such independent school district, as the case may be, be annexed to, and that such county-wide area or such district area assume its pro rata part of the bonded indebtedness of said regional college district, may be submitted to the board of regents of such regional college district. If the said board of regents determines that it would be to the interest of said regional college district and of the area proposed to be annexed, that such annexation be accomplished, said board of regents shall adopt a resolution so finding, and said petition and certified copy of said resolution shall be submitted to the commissioners court of said county, and it shall be the duty of said commissioners court, within 15 days after the presentation of such petition any copy of such resolution, to order an election to be held in said county at large, or in such school district, or districts, as the case may be, for the purpose of determining if the area of said county, or the area of such school district, or districts, shall be annexed to said regional college district, and assume its pro rata part of the bonded indebtedness of said regional college district; said election to be held not earlier than 60 days nor later than 90 days after passage of such order. The proposition to be voted on at said election and to be printed on the ballots therefor shall be:

(1) "FOR annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness."

(2) "AGAINST annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness."

The name of such district shall be inserted in the proposition.

(b) Said commissioners court shall designate the polling place of said election and appoint the officers thereof, and furnish the supplies therefor. Only qualified electors who own taxable property in said county or school district, as the case may be, and who have duly rendered the same for taxation, shall be qualified to vote at said election. Said election shall be conducted in accordance with the general election laws of Texas, insofar as applicable. Returns of said election shall be made to said commissioners court and canvassed by said court.

(c) If the majority of the votes cast at such election are in favor of said proposition, such fact shall be certified by the commissioners court to the board of regents of said regional college district, and the entire area of said county, or of said school district, or districts, as the case may be, shall be deemed to have been annexed to and shall be a part of said regional college district and shall be subject to taxation for the payment of the existing bonded indebtedness and the maintenance of said regional college district the same as other property in the area of said regional college district.

(d) In the event an entire county is so annexed, the commissioners court of such county shall forthwith appoint a regent or regents for said college from the county in accordance with the number of regents allowed as herein above provided. All such regents shall, before entering upon the duties of their offices, take the oath as herein prescribed for regents. Such appointment shall be certified by the clerk of the commissioners court to the board of regents of said college district. At the first meeting of the board of regents after the appointment and qualification of regents from such annexed county, the regents shall determine by lot

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in the manner provided by the board of regents, their term of office. Thereafter, successors to the regents from said annexed county shall be elected in the manner provided for other counties in said district.

(e) In the event the area of one or more independent school districts of a county, instead of the entire county, is annexed to said regional college district, said annexed territory shall be entitled to the number of regents as they may qualify for in terms of scholastics and tax values. Immediately after such annexation the commissioners court of the county in which such area is situated shall appoint from said area, the number of regents to which such area is entitled. This regent or regents as the case may be, so appointed, shall hold office until the expiration of the term of office of the regents of said county of which they are a part. At the expiration of the term of each regent from such annexed territory his successor shall be elected at an election to be held in the annexed area, to be called by the board of regents, which shall designate the polling place or places, the officers of the election, provide the supplies therefor and pay the expenses thereof.

**§ 51.092. Taxes**

The tax assessors and collectors of the county or respective counties containing territory embraced within the boundaries of such regional college district shall assess and collect the taxes of said college district on the taxable property in the territory of said district located in said county or respective counties on levies made and rates fixed by the board of regents of said district. The assessed valuations of said property for state and county taxes shall be used as the valuations for said college district taxes. Such tax collectors shall collect the college district taxes at the same time that he collects the state and county taxes. All taxes collected for such regional college district shall be accounted for to and paid over to the treasurer of said college district by such tax collector, and he shall receive the same compensation for assessing and collecting such taxes as provided by law for like services rendered for junior college districts.

**§ 51.093. President of College**

The board of regents shall choose the president of the regional college, fix his term of office, designate his salary, and define his duties. The president shall be the executive officer of the board of regents and shall work under its direction. He shall recommend the plan of organization of the college and shall recommend the appointment of all employees.

**§ 51.094. Establishment of College; Divisions; Support**

(a) The board of regents shall proceed as soon as practicable to establish a regional college in said regional college district, which shall consist of three divisions, as follows:

(1) a junior college division, which shall operate under all laws applicable to public junior colleges in Texas.

(2) an adult education division for adults regardless of age or former education for

(A) basic education to emphasize citizenship, english, and training in elemental mathematics and science

(B) terminal, vocational, and technological education and training in their generally accepted sense

(C) work and study groups based on needs and interests as displayed by the residents of the area served by the regional college. The adult education division shall emphasize continuation of education of adults with emphasis upon democracy and citizenship.

(3) a senior college division which shall be guided by educational practices and principles applicable to upper division work in first-class colleges and universities; provided that any bachelor's degree shall be based on four years of college work and that any higher degree with appropriate courses may be offered when in the judgment of the board of regents, the educational welfare of the people served by the college demands and justifies such work and such courses. All of which shall be organized and blended into an educational program by the president of the college and his staff.

(b) It is understood and provided that no funds shall ever be appropriated from the treasury of the State of Texas or public moneys of this state for the support or partial support by the legislature of Texas of any adult and senior college divisions of such regional colleges created under the provisions of this act, provided, however, that nothing herein contained shall in any manner prevent or interfere with the provisions of law now or hereafter existing authorizing state aid to the junior college divisions of such regional college districts in the same manner and to the same extent as that granted to junior college districts.

**§ 51.095. Buildings, Property and Resources of Junior College District; Fees and Tuition; Tax Levy; Bonds**

(a) All buildings, property, and other educational resources of the public junior college district at the time of said merger shall be available for all divisions of the regional college in accordance with the laws of Texas governing public junior college districts and as determined by the board of regents of the regional college district. The board of regents shall have the power to fix such fees and tuition rates as shall be deemed to be necessary. In addition, the board of regents shall have the power to levy taxes and make such distribution of such taxes as it may deem necessary for the adequate support of said college; provided that the total annual tax levy for all regional college purposes shall not exceed a rate of 50¢ on each \$100 of assessed valuation of taxable property located in such regional college district. All powers relating to the issuance of bonds, the construction or acquisition of buildings and facilities, taxation, and otherwise, vested by law in public junior college districts shall be applicable to said regional college district, subject, however, to the limitation of 50¢ on each \$100 of valuation above mentioned.

(b) All bonds and notes issued pursuant to the authority herein granted shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, saving and loan associations and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto.

§ 51.096. Donations, Gifts and Endowments

Said board of regents is authorized, in behalf of said regional college, to accept donations, gifts, and endowments for the college to be held in trust and administered by the board of regents for such purpose and under writing by the donor, not inconsistent with the proper management and objects of the college.

§ 51.097. Power of Eminent Domain

(a) The power of eminent domain is hereby conferred on regional college districts, for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the boards of regents of such districts to be needed to carry out the authorized functions of such districts.

(b) Said power of eminent domain shall be exercised in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925.<sup>1</sup>

1. Vernon's Ann.Civ.St. art. 3264 et seq.

§ 51.098. Delinquent Taxes After Transfer of Assets

Any regional college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such regional college district and which regional college district has no outstanding bonded indebtedness is hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said regional college district shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The tax assessor and collector of the county in which said regional college district is located shall cause all delinquent and uncollected taxes of said regional college district to be collected in accordance with the general laws applicable to regional college districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this act may be used by it for any lawful purpose.

§ 51.099. Transfer of Assets of Certain Regional College Districts

All regional college districts which have been converted to fully state supported institutions of higher learning are hereby authorized to transfer all assets of such districts, real, personal, tangible or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district.

SUBCHAPTER G. FISCAL PROVISIONS

§ 51.101. Tax Assessment, Equalization, and Collection

(a) The governing board of each junior college district, and each regional college district, for and on behalf of its junior college division, annually shall cause the taxable property in its district to be rendered and assessed for ad valorem taxation, and the value of such taxable property to be equalized, and the ad valorem taxes in the district to be

collected, in accordance with any one of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(b) The laws of this state applicable to general law cities and towns may be adopted and shall be used to the extent pertinent and practicable.

(c) The laws of this state applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided that the board shall have the authority to act as its own board of equalization, or to appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization of the district, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(d) Each governing board shall be authorized to have the taxable property in its district assessed, its values equalized, and/or its taxes collected, in whole or in part, by the tax assessors, board of equalization, and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the junior college district is located; and such property may be assessed and the values thereof equalized on the same basis or a different basis than that used by any such governmental subdivision. Such property shall be assessed, the values thereof equalized, and such taxes collected, in the manner and for such compensation as shall be agreed upon between the appropriate parties, and the functions thus assumed by the officials of any such governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each such governmental subdivision shall apply to its officials in carrying out such functions for the junior college district.

(e) It is specifically provided, however, that under any method used all taxable property within a district shall be assessed on the same basis and the values thereof shall be equalized by only one board of equalization, in an equal and uniform manner, as required by the Texas Constitution. If a governing board desires that taxable property shall be assessed and taxes collected by the tax assessors and/or collectors of more than one governmental subdivision, the governing board of the district shall either act as its own board of equalization, or appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(f) Any other method or procedure authorized or permitted by any other statute of the State of Texas may be adopted, in whole or in part, to the extent pertinent and practicable.

#### § 51.102. Tax Bonds and Maintenance Tax

(a) The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed 50 cents on the \$100 valuation of taxable property in

the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of \$1 on the \$100 valuation of taxable property in the district. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable<sup>1</sup> instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

(b) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the resident, qualified, electors of the district who own taxable property therein and who have duly rendered the same for taxation, voting at an election held for such purpose, at the expense of the district, in accordance with the Texas Election Code, except as hereinafter provided. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board. Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. The board shall canvass the returns and declare the results of such election.

(c) The governing board of each junior college district, and each regional college district, shall be authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such voted maximum rate. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the comptroller of public accounts of the State of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.



(d) All bonds issued pursuant to this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(e) All bonds issued pursuant to this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investments corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(f) Each junior college district, and each regional college district (with reference to the operation and maintenance of its junior college division) heretofore or hereafter created pursuant to the laws of this state, is hereby declared to be, and constituted as, a school district within the meaning of Article 7, Section 3, of the Texas Constitution.

(g) All tax bonds voted in any district in accordance with law but unissued at the effective date of this code may be issued in the manner provided in this section, without an additional election; and all maintenance taxes heretofore voted in any district in accordance with law may be levied and collected in the manner provided in this act, without an additional election.

1. So in enrolled bill.

#### § 51.103. Revenue Bonds

(a) The governing board (hereinafter called the "board") of each junior college district and each regional college district shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, operations, or facilities, of any nature, for and on behalf of its institution or institutions.

(b) For the purpose of carrying out any one or more of the aforesaid powers each board shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, fees, or other resources of such board, in the manner hereinafter provided. Said bonds may be issued to mature serially or otherwise not more than 50 years from their date. In the authorization of any such bonds, each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board. Said bonds, and any

interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, as shall be determined and provided by the board in the resolution or order, authorizing the issuance of said bonds. If so permitted in the bond resolution, and required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

(d) Each board shall be authorized to pledge all or any part of any of its revenues from any of the aforesaid rentals, rates, charges, and/or fees to the payment of any bonds issued hereunder, including the payment of principal, interest, and any other amounts required or permitted in connection with said bonds. When any of the revenues from any such rentals, rates, charges, and/or fees are pledged to the payment of bonds, they shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses. Each board shall be authorized to establish and enforce such parietal rules for students and others, and to enter into such agreements regarding occupancy, use, and availability, and the amounts and collection of pledged revenues, fees, or other resources as will assure making all said required payments. Fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, may be pledged to the payment of said bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, in such amounts and in such manner as shall be determined and provided by the board in the resolution or order authorizing the issuance of the bonds, and said fees may be collected in the full amounts required or permitted herein, without regard to actual use or availability, commencing at any time designated by the board. Said fees may be fixed and collected for the use of availability of any specifically described property, buildings, structures, activities, operations, or facilities, of any nature; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions. Such specific and/or general fees may be fixed and collected and pledged to the payment of any issue or series of bonds issued hereunder, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions; provided that

each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in the resolution or order authorizing the issuance of any bonds issued hereunder, and provided that no such additional specific fees shall be pledged if prohibited by any resolution or order which authorized the issuance of any then outstanding bonds issued pursuant to any Texas statute.

(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding \$15 from each enrolled student for each regular semester and \$7.50 from each enrolled student for each summer term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

(f) Any revenue bonds issued by any such board under this act, and any revenue bonds or notes issued by any such board under any other Texas statute and payable from tuition fees and charges and/or any part of the use fees from or revenues of any property, buildings, structures, activities, operations, or facilities at the institution or institutions, may be refunded or otherwise refinanced by such governing board, and in such case all pertinent and appropriate provisions of this section shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds or notes the governing board may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this section and bonds or notes issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this section into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

(g) All bonds permitted to be issued under this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(h) All bonds issued under this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investments corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of

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said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(i) All revenue bonds heretofore approved by the attorney general of the State of Texas and registered by the comptroller of public accounts of the State of Texas which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, use fees, tuition, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings shall be valid as though they had been duly and legally issued and authorized originally.

[Sections 51.104–51.200 reserved for expansion]

**SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS**

**§ 51.201. Dissolution and Transfer of Property Upon Creation of Senior College**

(a) Whenever the legislature shall create within the boundary of any union junior college district a state-supported senior college of the first rank offering at least four years of college work, and whenever such union junior college district has been dissolved in the manner provided for in Sections 19.361–19.364 of this code which said method of dissolution of such district is hereby authorized, the trustees of such union junior college district shall transfer the corporeal properties and facilities of such union junior college district to such state-supported senior college, and such trustees, after such dissolution and transfer of properties of such district, shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section and shall have no authority to create any additional indebtedness against such district, and when the bonded indebtedness of such district has been fully paid, such union junior college district shall cease to exist; provided that in the order calling such election and in the notice thereof, the authorities calling such election shall designate the date when such district shall be dissolved and such transfer shall be made, which date shall be within two years from the date of the election, and on or prior to said date.

(b) When any union junior college district has been dissolved and its properties transferred as provided in Subsection (a) of this section, or in any other lawful manner, having at the time of such dissolution outstanding bonds or other indebtedness enforceable either at law or in equity, then the county commissioners court, for the purpose of paying such bonds, or other indebtedness, shall have power and be authorized to annually levy and collect ad valorem taxes sufficient only to pay the interest and create a sinking fund to retire the bonded indebtedness of such district, and the expense of collecting such taxes and paying such bonded indebtedness, and for no other purpose; provided such tax shall not exceed the rate voted by such district for junior college purposes; said county commissioners court shall have power to bring and defend litigation in the name of said union junior college district.

**§ 51.202. Abolition of Junior College Districts**

(a) The term “applicable district,” as used in this section, shall mean any junior college district which has conveyed all, or substantially all, of

its property and assets to a state-supported senior college or university located in such junior college district, and which junior college district has no outstanding bonded indebtedness.

(b) All applicable districts and their governing boards are hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said applicable districts shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The persons formerly acting as the governing board and officers of each applicable district shall turn over all remaining property and assets of said applicable district, including all tax collections on hand, directly to the state-supported senior college or university located therein. The governing board of the independent school district in which any such state-supported senior college or university is located shall, for and on behalf of any such applicable district, cause, through its tax collector and other officers, all delinquent and uncollected taxes of any such applicable district to be collected in accordance with the general laws applicable to independent school districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this section may be used by it for any lawful purpose.

**§ 51.203. Transfer of Properties of County Junior College Districts After Creation of Senior College**

(a) Whenever the legislature has created or shall create within the boundaries of any county junior college district a state-supported senior college offering at least four years college work upon the condition that the board of trustees of said county junior college district shall convey all of the assets, real, personal, tangible and intangible held in its name as of the date fixed for the establishment of said senior college and containing the other provision that said properties shall be conveyed to the governing body of the senior college free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind or character and of whatsoever nature, the board of trustees of said county junior college district is hereby fully authorized and empowered to convey to the governing body of the senior college all of such assets, real, personal, tangible and intangible held by it on the date fixed for such conveyance in the act creating such senior college, except monies on hand for the payment of outstanding obligations of the district.

(b) From and after the conveyance of the properties of said county junior college district to the governing body of said senior college, the county junior college district shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section.

(c) Where such county junior college district had or has outstanding tax obligations in the nature of bonds or other indebtedness, the board of trustees of said county junior college district shall continue to make the necessary tax levies annually for the purpose of paying necessary administrative expenses of the board of trustees and paying off and discharging such bonded or other indebtedness, both principal and interest, until all of the same has been fully paid off and discharged.

(d) Where said county junior college district has outstanding any bonds payable from the revenues from any building or buildings which revenue bonds constitute an encumbrance upon the income of such building or buildings, the board of trustees of the county junior college district is hereby authorized to issue bonds of said county junior college dis-

strict payable from ad valorem taxes of said district and to sell such tax-supported bonds and pay off such revenue bonds or to exchange such tax-supported bonds for said revenue bonds. No such tax-supported bonds shall be issued, however, until authorized<sup>1</sup> at an election held for that purpose and at which election a majority of the qualified electors of said district who own taxable property and who have duly rendered the same for taxation voting thereon shall have voted in favor of the issuance of said bonds.

(e) The board of trustees of the county junior college district is hereby authorized to perform all acts necessary toward the final discharge of all the indebtedness of said county junior college district and to perform all necessary administrative acts in connection therewith. Said board of trustees is specifically authorized to continue to levy and collect sufficient taxes annually within the limits prescribed by law and authorized by the required election for the purpose of discharging the principal and interest on all outstanding bonded and other indebtedness, including the repayment of any temporary loans which said board may find necessary to obtain in order to pay all current operating expenses of the junior college up to the date of the conveyance of the properties until all such obligations have been fully discharged, and such temporary loans are hereby authorized, and such temporary loans heretofore obtained are hereby ratified and validated.

1. So in enrolled bill.

**Section 2. The following laws are repealed:**

(a) The following articles of Vernon's Texas Civil Statutes:

634(B), 634(C), 689a—17a, 689a—19a, 695i, 1109c, 2654—1, 2654—1a, 2654—1b, 2654—1c, 2654—2, 2654—3, 2654—3a, 2654—3b, 2654—3c, 2654—3d, 2654—3e, 2654—4, 2654—5, 2654—6, 2654—7, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663a, 2663b—1, (Sections 1 and 3 only), 2663b—3, 2664, 2665, 2666, 2667, 2668, 2669, 2671, 2672, 2673, 2674, 2675, 2675—1, 2675b—1, 2675b—2, 2675b—3, 2675b—4, 2675b—5, 2675b—6, 2675b—8, 2675b—9, 2675b—10, 2675c—2, 2675j, 2675k, 2676, 2677, 2678a, 2679, 2680, 2681, 2681a, 2682, 2683, 2683a, 2683b, 2684, 2685, 2686, 2687, 2687a, 2688, 2688a, 2688e, 2689, 2690, 2691, 2692, 2693, 2694, 2694a, 2695, 2696, 2697, 2698, 2699, 2699a, 2700, 2701, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2729a, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2741a, 2742, 2742b, 2742e—1, 2742f, 2742j, 2742m, 2743, 2744, 2744b, 2745, 2745a, 2745b, 2745c, 2746, 2746a, 2746b, 2746c, 2747, 2748, 2749, 2750, 2750a, 2750a—1, 2750a—2, 2751, 2751a, 2752, 2752a, 2753, 2754, 2755, 2756, 2756b, 2756c, 2757, 2758, 2759, 2760, 2761, 2761a, 2762, 2763, 2764, 2766, 2767, 2767a, 2767b, 2767c, 2767d, 2767e, 2767f, 2767—1, 2768, 2769, 2770, 2771, 2772, 2773, 2773a, 2774, 2774c, 2775, 2776, 2777, 2777—1, 2778, 2779, 2779b, 2780, 2781, 2781a, 2783, 2783c, 2784e, 2784e—1, 2785, 2785a, 2786, 2786a, 2786b, 2786c, 2786d, 2786e, 2787, 2787a, 2788, 2789, 2789a, 2789b, 2789c, 2789d, 2789e, 2790, 2790e, 2791, 2792, 2792a, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2802—1, 2802c, 2802e—1, 2802e—5, 2802f—3, 2802i—18, 2802i—24, 2802j, 2802k, 2803, 2803a, 2804, 2805, 2805a, 2806, 2806e, 2807, 2808, 2809, 2803b, 2810, 2811, 2812, 2813, 2814, 2815, 2815—1, 2815h, 2815h—1a, 2815h—5, 2815h—8, 2815h—9, 2815j—1, 2815j—2, 2815m, 2815o, 2815o—1, 2815h—3b, 2815o—1b, 2815p—1, 2815q, 2815q—1, 2815q—2, 2815r, 2815r—1, 2815r—2, 2815s, 2815s—1, 2815t—1, 2815t—2, 2815t—3, 2816, 2817a, 2816a, 2817, 2818, 2819, 2820,

2821, 2822, 2822a, 2823, 2824, 2825, 2826, 2827, 2827a, 2827c, 2828, 2829, 2830, 2831, 2832c, 2833, 2833a, 2834, 2835, 2835a, 2835b, 2835c, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2843a, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2876a, 2876b, 2876c, 2876d, 2876e, 2876f, 2876g, 2876h, 2876i, 2876j, 2876k, 2876l, 2877, 2878, 2879, 2880, 2881, 2883a, 2884, 2885, 2886, 2887, 2887a, 2888, 2889, 2889a, 2889b, 2891a, 2891b, 2891c, 2891—1, 2891—2, 2891—50, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2898a, 2899, 2899a, 2900, 2900a, 2901, 2901a, 2902, 2903, 2904, 2904a, 2905, 2905b, 2906, 2906—1, 2906—2, 2906—3, 2908, 2908a, 2909, 2909b, 2010,<sup>1</sup> 2911, 2911a, 2911b, 2912, 2913, 2915, 2916, 2917, 2918, 2919, 2919f, 2919g, 2919h, 2919i, 2922a, 2922aa, 2922b, 2922c, 2922d, 2922e, 2922f, 2922g, 2922h, 2922i, 2922j, 2922k, 2922l, 2922l(1), 2922l(4), 2922l(5), 2922l(6), 2922l(7), 2922zz—1, 2922—1, 2922—1a, 2922—1b, 2922—1c, 2922—1d, 2922—1e, 2922—1f, 2922—1g, 2922—1h, 2922—11, 2922—12, 2922—13, 2922—13a, 2922—13b, 2922—13c, 2922—13d, 2922—14, 2922—14a, 2922—14b, 2922—14c, 2922—15, 2922—16, 2922—16a, 2922—16c, 2922—16d, 2922—16e, 2922—17, 2922—18, 2922—19, 2922—20, 2922—21, 2922—21a, 2922—21b, 2922—22, 2922—23, 2922—24, 2922—26, 3202—c, 3203, 3204, 3205, 3205a, 3207, 3888, 3888b, 4378, 4447b, 5416, 5416a, 6228a—4, 7150a.

(b) The following articles of Vernon's Texas Penal Code:

97, 288, 289, 290, 291, 292, 293, 293a, 293b, 294, 294a, 295, 296, 299, 300, 301, 301b, 301c, 301d, 424, 666—25b, 994, 995, 1152, 1153, 1154, 1155.

1. Probably should read "2910".

Section 3. The enactment of the Texas Education Code does not affect the validity or change the effect of any of the following Articles of Vernon's Texas Civil Statutes:

2668a, 2688b,<sup>1</sup> 2668c, 2668d, 2668e, 2676a, 2676b, 2676c, 2685a, 2685b, 2685b—1, 2687b, 2687c, 2687d, 2688b, 2688d, 2688f, 2688g, 2688h, 2688h—1, 2688i, 2688i—1, 2688i—2, 2688j, 2688k, 2688k—1, 2688l, 2688m, 2688n, 2688n—1, 2688o, 2688p, 2700a, 2700b, 2700c, 2700d, 2700d—1, 2700d—2, 2700d—3, 2700d—4, 2700d—5, 2700d—6, 2700d—7, 2700d—8, 2700d—9, 2700d—10, 2700d—11, 2700d—12, 2700d—13, 2700d—14, 2700d—15, 2700d—16, 2700d—17, 2700d—18, 2700d—19, 2700d—20, 2700d—21, 2700d—22, 2700d—23, 2700d—24, 2700d—25, 2700d—26, 2700d—27, 2700d—28, 2700d—29, 2700d—30, 2700d—31, 2700d—32, 2700d—33, 2700d—34, 2700d—35, 2700d—36, 2700d—37, 2700d—38, 2700d—39, 2700d—40, 2700d—41, 2700d—42, 2700d—43, 2700d—44, 2700e, 2700e—1, 2700e—2, 2701a, 2701b, 2701c, 2701d, 2701d—1, 2701d—2, 2701d—2a, 2701d—3, 2701d—4, 2701d—5, 2701e—1, 2702, 2702A, 2740a, 2740b, 2740c, 2740d, 2740f—2, 2740f—3, 2740f—4, 2740f—5, 2740g, 2740h, 2742a, 2742c, 2742c—1, 2742d, 2742e, 2742f—1, 2742f—2, 2742g, 2742h, 2742i, 2742k, 2742l, 2742n, 2742o, 2744a, 2744a—1, 2744c, 2744c, 2744e—1, 2744e—2, 2744e—3, 2744e—4, 2744e—5, 2744e—6, 2753a, 2756d, 2761b, 2763a, 2764a, 2766a, 2766b, 2766c, 2767g, 2767h, 2774a, 2774b, 2775a, 2775a—1, 2775a—2, 2775a—3, 2775a—4, 2775a—5, 2775a—6, 2775a—7, 2775a—8, 2775a—9, 2775b, 2775c, 2775c—1, 2775d, 2775e, 2775f, 2775f—1, 2777a, 2777b, 2777c, 2777d, 2777d—1, 2777d—2, 2777d—3, 2777d—4, 2777e, 2777f, 2779a, 2782, 2783a, 2783b, 2783d, 2783e, 2783f, 2783g, 2784a, 2784b, 2784c, 2784d, 2784e—2, 2784e—3, 2784e—4, 2784e—5, 2784e—6, 2784e—7, 2784e—8, 2784e—9, 2784e—10, 2784f, 2784g, 2784g—1, 2784h, 2786f, 2787b, 2787c, 2787d, 2788a, 2790a, 2790a—1, 2790a—3, 2790a—4, 2790a—5, 2790a—6, 2790b, 2790c, 2790d, 2790d—1, 2790d—2, 2790d—3, 2790d—4,

2790d—5, 2790d—6, 2790d—7, 2790d—8, 2790d—9, 2790d—10, 2790d—11, 2790d—12, 2790f, 2790g, 2790h, 2790i, 2790j, 2790k, 2790l, 2790m, 2790n, 2792—1, 2792b, 2796a, 2799a, 2802a, 2802b, 2802c, 2802e—2, 2802e—3, 2802e—4, 2802f, 2802f—1, 2802f—2, 2802g, 2802h, 2802i, 2802i—1, 2802i—2, 2802i—3, 2802i—4, 2802i—5, 2802i—6, 2802i—7, 2802i—8, 2802i—9, 2802i—10, 2802i—11, 2802i—12, 2802i—13, 2802i—14, 2802i—15, 2802i—16, 2802i—17, 2802i—19, 2802i—20, 2802i—20, 2802i—21, 2802i—22, 2802i—23, 2802i—25, 2802i—26, 2802i—27, 2802i—28, 2802i—29, 2802i—30, 2802i—31, 2802i—32, 2803—1, 2803c, 2803d, 2804a, 2806a, 2806b, 2806c, 2806d, 2806d—1, 2815—3, 2815—4, 2815a—1, 2815g—1, 2815g—1a, 2815g—1b, 2815g—1c, 2815g—1d, 2815g—2, 2815g—3, 2815g—4, 2815g—5, 2815g—6, 2815g—7, 2815g—8, 2815g—9, 2815g—10, 2815g—11, 2815g—12, 2815g—13, 2815g—14, 2815g—15, 2815g—16, 2815g—17, 2815g—18, 2815g—19, 2815g—20, 2815g—21, 2815g—22, 2815g—23, 2815g—24, 2815g—25, 2815g—26, 2815g—27, 2815g—28, 2815g—29, 2815g—30, 2815g—31, 2815g—32, 2815g—49, 2815g—33, 2815g—34, 2815g—35, 2815g—36, 2815g—37, 2815g—38, 2815g—39, 2815g—40, 2815g—41, 2815g—42, 2815g—43, 2815g—44, 2815g—45, 2815g—46, 2815g—47, 2815g—48, 2815g—50, 2815g—51, 2815g—52, 2815g—53, 2815g—54, 2815g—55, 2815g—56, 2815g—57, 2815g—58, 2815g—59, 2815h—1, 2815h—2, 2815h—3, 2815h—3a, 2815h—4, 2815h—6, 2815h—7, 2815h—10, 2815h—11, 2815i, 2815j, 2815k, 2815k—1, 2815k—3, 2815k—4, 2815l, 2815m—1, 2815m—2, 2815m—3, 2815n, 2815n—1, 2815o—1a, 2815p, 2815t, 2824a, 2827b, 2827d, 2827e, 2831a, 2832, 2832a, 2832b, 2885a, 2919a, 2919b, 2919g—1, 2922a—1, 2922a—2, 2922a—3, 2922l(2), 2922l(3), 2922l(3.1), 2922l(8), 2922—16b, 2922—25.

1. Probably should read "2668b".

Section 4. Except for certain miscellaneous provisions relating to higher education in Titles 1 and 2, and the chapter on public junior colleges in Title 3, the enactment of the Texas Education Code does not affect the statutes of this state relating to higher education; and the laws relating to higher education which are not included in the code remain unaffected by its enactment. It is intended that these laws will be added to the code at a later session of the legislature.

Section 5. If any act passed at the same session of the legislature conflicts with any provision of the Texas Education Code, the act prevails.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 7. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun, before its effective date. It is further intended that the repeal of statutes by this act shall not repeal or affect any tax or authority or power heretofore granted by the legislature under which any tax has heretofore been authorized, or attempted to be authorized, by an election held under any act or acts of the legislature heretofore enacted whether general or special.



Section 8. This act takes effect on September 1, 1969.

Section 9. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this act take effect and be in force from and after September 1, 1969, and it is so enacted.

Passed by the House on May 5, 1969, by a non-record vote; House concurred in Senate amendments on June 2, 1969, by a non-record vote; passed by the Senate, as amended, on May 31, 1969, by a viva-voce vote.

Approved June 21, 1969.

Effective September 1, 1969.

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